

commission shall render a statement to each handler showing the amount of the handler's producer-settlement fund debit or credit, as calculated in this section.

\* \* \* \* \*

3. Revise 1307.3 to read as follows:

**§ 1307.3 Payments to and from the producer-settlement fund.**

(a) On or before the 15th day after the end of the month, each handler shall pay to the compact commission the handler's producer-settlement fund debit for the month as determined under Sec. 1307.2(a).

(b) On or before the 16th day after the end of the month, the compact commission shall pay to each handler the handler's producer-settlement fund credit for the month as determined under Sec. 1307.2(b). If the unobligated balance in the producer-settlement fund is insufficient to make such payments, the compact commission shall reduce uniformly such payments and shall complete them as soon as the funds are available.

4. Revise section 1307.5 paragraph (a) to read as follows:

**§ 1307.5 Payments to producers.**

(a) For milk received during the month, payment shall be made so that it is received by each producer no later than the day after the payment date required in section 1307.3(b). Each handler shall make payment to each producer for the milk received from him during the month at not less than the basic over-order producer price per hundredweight computer under Sec. 1306.3. If the handler has not received full payment for the compact commission under Sec. 1307.3(b) by the date payments are due under this paragraph, he may reduce pro rata his payments to producers by an amount not to exceed such underpayment. Such payments shall be completed after receipt of the balance due from the compact commission by the next following date for making payments under this paragraph.

\* \* \* \* \*

5. Revise section 1307.7 to read as follows:

**§ 1307.7 Adjustment of accounts.**

(a) Whenever the compact commission verification of a handler's reports or payments discloses an error in payments to or from the compact commission under Sec. 1307.3 or Sec. 1308.1, the compact commission shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment

charge bills issued during the period beginning with the 10th day of the prior month and ending with the 9th day of the current month shall be payable by the handler to the compact commission on or before the 15th day of the current month. Adjustment credits issued during that period shall be payable by the compact commission to the handler on or before the 16th day of the current month.

(b) Whenever the compact commission's verification of a handler's payments discloses payment to a producer or a cooperative association of an amount less than is required by Sec. 1307.4, the handler shall make payment of the balance due the producer not later than the 16th day after the end of the month in which the handler is notified of the deficiency.

6. Revise section 1307.8 to read as follows:

**§ 1307.8 Charges on overdue accounts.**

Any unpaid obligation due the compact commission from a handler pursuant to the provisions of 7 CFR parts 1307 and 1308 shall be increased 1.0 percent each month beginning with the day following the date such obligation was due under the regulation. Any remaining amount due shall be increased at the same rate on the corresponding day of each succeeding month until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation and shall include any unpaid charges previously computed pursuant to this section. The late charges shall accrue to the administrative assessment fund. For the purpose of this section, any obligation that was determined at a date later than prescribed by 7 CFR parts 1307 and 1308 because of a handler's failure to submit a report to the compact commission when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

7. Add a new section 1307.9 to read as follows:

**§ 1307.9 Dates.**

If a date required for payment contained in 7 CFR parts 1307 and 1308 falls on a Saturday, Sunday, or national holiday, such payment will be due on the next day that the compact commission office is open for public business.

**PART 1308—ADMINISTRATIVE ASSESSMENT**

1. The authority citation for Part 1308 continues to read as follows:

**Authority:** 7 U.S.C. 7256.

2. Revise the introductory text of section 1308.1 to read as follows:

**§ 1308.1 Assessment for pricing regulations administration.**

On or before the 15th day after the end of the month, each handler shall pay to the compact commission his pro rata share of the expense of administration of this pricing regulation. The payment shall be at the rate of 3.2 cents per hundredweight. The payment shall apply to:

\* \* \* \* \*

Dated: March 21, 2000.

**Kenneth M. Becker,**  
*Executive Director.*

[FR Doc. 00-7413 Filed 3-24-00; 8:45 am]

**BILLING CODE 1650-01-P**

**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**9 CFR Part 130**

[Docket No. 98-003-2]

**Veterinary Services User Fees; Export Certificate Endorsements**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are establishing a maximum user fee for the endorsement of export certificates for a single shipment of animals or birds that require verification of tests or vaccinations. Prior to this final rule, user fees for these endorsements were based on the number of animals or birds listed on the certificate and the number of tests or vaccinations that the importing country required for those animals or birds. We are taking this action in response to requests from industry organizations and from our field and port employees to reconsider the fairness of these user fees for large export shipments of animals. The maximum user fee will result in lower user fees for large shipments, yet still recover the full cost of providing this service.

**EFFECTIVE DATE:** April 26, 2000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Donna Ford, Section Head, Financial Systems and Services Branch, BASE, MRPBS, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737-1232; (301) 734-8351.

**SUPPLEMENTARY INFORMATION:**

## Background

User fees to reimburse the Animal and Plant Health Inspection Service (APHIS) for the costs of providing veterinary diagnostic services and import- and export-related services for live animals and birds and animal products are contained in 9 CFR part 130 (referred to below as the regulations). Section 130.20 lists user fees we charge for endorsing certificates for animals and birds exported from the United States. Importing countries often require these certificates to show that an animal or bird has tested negative to specific animal diseases or that an animal or bird has not been exposed to specific animal diseases. The endorsement indicates that APHIS has reviewed a certificate and believes it to be accurate and reliable. The steps associated with endorsing an export certificate may include reviewing supporting documentation; confirming that the importing country's requirements have been met; verifying laboratory test results for each animal if tests are required; reviewing any certification statements required by the importing country; and endorsing, or signing, the

certificates. Our user fees are intended to cover all of the costs associated with endorsing the certificates.

On September 23, 1999, we published in the **Federal Register** (64 FR 51477–51479, Docket No. 98–003–1) a proposal to amend the regulations by establishing a maximum user fee for the endorsement of export certificates for a single shipment of animals or birds that require verification of tests or vaccinations. User fees for these endorsements were based on the number of animals or birds listed on the certificate and the number of tests or vaccinations that the importing country required for those animals or birds. We proposed to establish a maximum user fee of 12 times the hourly rate listed in § 130.21 of the regulations, since large shipments rarely take more than 12 hours to verify. The proposed maximum user fee was intended to lower user fees for large shipments, yet still allow APHIS to recover the full cost of providing this service.

We solicited comments concerning our proposal for 60 days ending November 22, 1999. We did not receive any comments. Therefore, for the reasons given in the proposed rule, we

are adopting the proposed rule as a final rule, without change.

## Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

We are revising our user fees to implement a maximum user fee for the endorsement of export certificates that require the verification of tests or vaccinations for the animals or birds on the certificate. The maximum user fee will be 12 times the hourly rate user fee listed in § 130.21 of the regulations.

User fees for the endorsement of export certificates will continue to be calculated based on the current user fees. The maximum user fee will be used whenever the calculated user fee is higher than the maximum user fee. This will benefit exporters with large shipments. The following table compares the maximum user fee to the charges for endorsing export certificates for large shipments based on current user fees.

Number of tests or vaccinations	Current user fee	Current charge for large shipment (300 animals)	Proposed maximum user fee <sup>1</sup>
1 or 2 .....	\$52.50 (first animal) \$3.00 (each additional) .....	\$949.50	\$672
3 to 6 .....	64.75 (first animal) 5.00 (each additional) .....	1,559.75	672
7 or more .....	75.75 (first animal) 6.00 (each additional) .....	1,869.75	672

<sup>1</sup> Based on 12 times \$56 (the current hourly rate user fee).

In fiscal year 1998, APHIS issued 6,245 export certificates that required the verification of tests or vaccinations. Of these, only 80 (1.28 percent) would have benefitted from the maximum user fee. Using the maximum user fee will cost less than the current user fees for any export certificates for a single shipment of:

- 208 or more animals with 1 or 2 tests,
- 123 or more animals with 3 to 6 tests, or
- 101 or more animals with 7 or more tests.

The maximum user fee could affect some exporters of live animals or birds. Any exporter of live animals or birds whose total sales are less than \$5 million annually is a small entity according to the Small Business Administration's criteria. The number of entities that export live animals or birds and that would qualify as small entities under this definition cannot be determined. Data from the 1995 Bureau of the Census indicates the majority of

agricultural entities that deal in less valuable animals, such as grade animals, can be considered small entities. This may not be the case for entities dealing exclusively in more valuable animals, such as purebred or registered animals.

This rule should have a minimal effect on exporters, whether small or large. Only 1.28 percent of the export certificates requiring the verification of tests or vaccinations that APHIS issued in FY 1998 would have been covered by the maximum user fee for those endorsements. For those entities that do experience a change in the amount, the difference will be a lower charge for the endorsement.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

## Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance

under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

## Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

## Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

## Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which,

among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

#### List of Subjects in 9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, we are amending 9 CFR part 130 as follows:

#### PART 130—USER FEES

1. The authority citation for part 130 continues to read as follows:

**Authority:** 5 U.S.C. 5542; 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114, 114a, 134a, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 130.20, paragraph (b)(1) introductory text is revised to read as follows:

#### § 130.20 User fees for endorsing export health certificates.

\* \* \* \* \*

(b)(1) User fees for the endorsement of export health certificates that require the verification of tests or vaccinations are listed in the following table. The user fees apply to each export health certificate<sup>5</sup> endorsed for animals and birds depending on the number of animals or birds covered by the certificate and the number of tests required. However, there will be a maximum user fee of 12 times the hourly rate user fee listed in § 130.21(a) of this part for any single shipment. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with the provisions in §§ 130.50 and 130.51.

\* \* \* \* \*

Done in Washington, DC, this 21st day of March 2000.

**Bobby R. Acord,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 00–7447 Filed 3–24–00; 8:45 am]

**BILLING CODE 3410–34–P**

#### DEPARTMENT OF ENERGY

#### 10 CFR Part 810

#### RIN 1992–AA24

#### Assistance to Foreign Atomic Energy Activities

**AGENCY:** Office of Defense Nuclear Nonproliferation, U.S. Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The Department of Energy (DOE) amends its regulations concerning unclassified assistance to foreign atomic energy activities. The amendments make explicit DOE's export control jurisdiction over transfers of technology and services to foreign activities relating to production of special nuclear material (SNM) by means of accelerator-driven subcritical assembly systems (particle accelerators operating in conjunction with subcritical assemblies); revise the list of countries for which all assistance controlled by the regulations requires specific authorization; and substitute current addressees for submitting reports and requests.

**EFFECTIVE DATE:** This final rule is effective April 26, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Zander Hollander, Nuclear Transfer and Supplier Policy Division, NN–43, Office of Arms Control and Nonproliferation, U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585; Telephone (202) 586–2125; or Mr. Robert Newton, Office of General Counsel, GC–53, U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585; Telephone (202) 586–0806.

#### SUPPLEMENTARY INFORMATION:

##### 1. Background

DOE Regulations 10 CFR part 810 implements section 57b(2) of the Atomic Energy Act of 1954, as amended by section 302 of the Nuclear Non-Proliferation Act of 1978 (NNPA) (42 U.S.C. 2077). These sections require that U.S. persons who engage directly or indirectly in the production of SNM outside the United States be authorized to do so by the Secretary of Energy. As explained in a notice of proposed rulemaking published in the **Federal Register** on July 2, 1999, 64 FR 35959, there has been rapid progress in practical applications of accelerator systems which, until recently, were almost entirely devoted to fundamental scientific research. For example, DOE currently is researching accelerator production of tritium (APT) and

accelerator transmutation of nuclear waste (ATW). The potential use of accelerator-driven subcritical assembly systems to produce SNM places exports of technology and services for these systems squarely within the jurisdiction of section 57b(2) of the Atomic Energy Act. Accordingly, to conform part 810 to these technological advances, DOE is revising the rule to publicly assert its until now implicit jurisdiction over exports of technology and services that assist in the production of SNM by means of accelerator-driven subcritical assembly systems and their components.

DOE intends part 810 to apply to accelerator-driven subcritical assembly system activities only when the purpose is SNM (plutonium or uranium-233) production or when the activities will result in significant SNM production. While some accelerators devoted to basic scientific research and development activities may, technically, also be capable of configuration to produce SNM, DOE does not intend to exert export control authority simply on the basis of capability. Rather, DOE intends to be guided by the following policy: Specific authorization by the Secretary is required for the export to any country of technology or services for production or processing of SNM by means of an accelerator-driven subcritical assembly system, or when a U.S. provider of assistance knows or has reason to know that an accelerator-driven subcritical assembly system will be used for the production or processing of SNM. When the intended use for production of SNM is not publicly announced, the U.S. provider may ascertain the intended use from participants in the project or from the U.S. Government or other sources. However, Part 810 authorization is required only when the subcritical assembly is capable of continuous operation above five megawatts thermal. This is the same threshold of control DOE applies to exports of assistance to research and test reactors; as with small reactors, subcritical assemblies below this capability do not pose significant proliferation concern.

DOE part 810 jurisdiction applies to assistance to production of SNM (plutonium or uranium-233) with an accelerator-driven subcritical assembly system whether the assistance is given inside or outside the United States. DOE assertion of part 810 jurisdiction over assistance should not be construed as inhibiting a U.S. provider of assistance from participating in multinational or other non-U.S. accelerator activities when the intent is not to produce SNM, but rather for scientific, medical, or

<sup>5</sup> An export health certificate may need to be endorsed for an animal being exported from the United States of the country to which the animal is being shipped requires one. APHIS endorses export health certificates as a service.