

Standards of Ethical Conduct, 5 CFR part 2635, which are applicable to all executive branch personnel; the CPSC regulations at 5 CFR part 8101, which supplement the executive branch standards; the Office of Personnel Management regulations on employee conduct at 5 CFR part 735; and the financial disclosure regulations at 5 CFR part 2634, which are applicable to all executive branch personnel. In addition, the Commissioners of the CPSC are subject to the statutory provisions of 15 U.S.C. 2053(c).

Subpart D—[Removed]

4. Subpart D is removed and reserved.

[FR Doc. 96-31591 Filed 12-12-96; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 96-063-2]

Imported Fire Ant; Approved Treatments

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Withdrawal of a direct final rule.

SUMMARY: This document withdraws the direct final rule that notified the public of our intention to amend the imported fire ant regulations. The direct final rule was to lengthen the certification period for containerized nursery stock treated with a 10 parts per million dosage of the insecticide tefluthrin in its granular formulation and to remove the 15 parts per million dosage rate for granular tefluthrin. This withdrawal is necessary because we received a written adverse comment in response to the direct final rule.

EFFECTIVE DATE: December 13, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald P. Milberg, Operations Officer, Program Support, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-5255; or E-mail: rmilberg@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

In a direct final rule published in the Federal Register on October 15, 1996 (61 FR 53601-53603, Docket No. 96-063-1), we notified the public of our intention to amend the imported fire ant regulations to lengthen the certification

period for containerized nursery stock treated with a 10 parts per million (ppm) dosage of the insecticide tefluthrin in its granular formulation and to remove the 15 ppm dosage rate for granular tefluthrin.

We solicited comments concerning the direct final rule for 30 days ending November 14, 1996. We stated that the effective date of the direct final rule would be 60 days after publication of the direct final rule in the Federal Register, unless we received a written adverse comment or a written notice of intent to submit an adverse comment. We also stated that if we received any written adverse comment or any written notice of intent to submit an adverse comment, we would publish a notice in the Federal Register withdrawing the direct final rule before the scheduled effective date and would publish a proposed rule for public comment.

We received one written adverse comment and a written notice of intent to submit an adverse comment. Therefore, we are withdrawing the direct final rule and, at a later date, we will publish a proposed rule in the Federal Register.

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 9th day of December 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-31602 Filed 12-12-96; 8:45 am]

BILLING CODE 3410-34-P

Food Safety and Inspection Service

9 CFR Part 391

[Docket No. 96-013F]

RIN 0583-AC13

Fee Increase for Inspection Services

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is increasing the fees charged to meat and poultry establishments, importers, and exporters for providing voluntary inspection, identification, and certification services; overtime and holiday services. The fee increases are based on the Agency's analysis of projected costs for fiscal year 1996, which identifies increased costs resulting from the January 1996 FSIS national and locality pay raise average of 2.4 percent for Federal employees and increased health insurance costs.

At the same time, FSIS is reducing the fees charged for providing laboratory services to meat and poultry establishments. The Agency's analysis of projected costs for fiscal year 1996 identified decreased costs resulting from the use of automated equipment for testing laboratory samples.

EFFECTIVE DATE: December 13, 1996.

ADDRESSES: FSIS's cost analysis is on file with the FSIS Docket Clerk, Room 3806, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700. It is available for public inspection in the FSIS Docket Room from 8:30 a.m. to 1 p.m. and from 2 p.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William L. West, Director, Budget and Finance Division, Administrative Management, (202) 720-3367.

SUPPLEMENTARY INFORMATION:

Background

The Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) provide for mandatory inspection of meat and poultry slaughtered or processed at official establishments. Such inspection is required to ensure the safety, wholesomeness, and proper labeling of meat and poultry products. The costs of mandatory inspection (excluding services performed on holidays or on an overtime basis) are borne by FSIS.

In addition to mandatory inspection, FSIS provides a range of voluntary inspection services. Under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), FSIS provides these services to assist in the orderly marketing of various animal products and byproducts not subject to the FMIA or the PPIA. The costs of voluntary inspection are totally recoverable by the Federal Government.

Each year, FSIS reviews the fees it charges meat and poultry establishments, importers, and exporters for providing voluntary inspection, identification, and certification services, as well as overtime and holiday services, and performs a cost analysis to determine whether such fees are adequate to recover the costs FSIS incurs in providing the services. In its analysis of projected costs for fiscal year 1996, FSIS identified increases in the costs of providing voluntary inspection, identification, and certification services, as well as overtime and holiday services. The increases are attributable to the average FSIS national and locality pay raise of 2.4 percent for Federal employees effective January 1996 and increased health insurance costs.

On July 3, 1996, FSIS published a proposed rule in the Federal Register (61 FR 34748) to increase the fees charged by FSIS to provide voluntary inspection, identification, and certification services, and overtime and holiday services. FSIS also proposed to reduce the fees charged for providing laboratory services to meat and poultry establishments.

FSIS did not receive any comments in response to the proposed rule and is finalizing the rule as proposed. FSIS maintains that the increased rates are necessary and reflect the cost of providing inspection services. The new rates reflect only a minimal increase in the costs currently borne by those entities which elect to utilize certain inspection services and a decrease in program support costs.

Accordingly, FSIS is amending § 391.2 to increase the base time rate for providing voluntary inspection, identification, and certification services from \$31.92 per hour, per program employee to \$32.88 per hour, per program employee. FSIS is amending § 391.3 to increase the rate for providing overtime and holiday services from \$32.96 per hour per program employee to \$33.76 per hour, per program employee.

In its analysis of projected costs for fiscal year 1996, FSIS also identified a decrease in the cost of providing laboratory services to meat and poultry establishments resulting from the use of automated equipment for testing laboratory samples and for other inspection services not covered under the base time, overtime, and holiday costs, such as travel expenses. Therefore, FSIS is amending § 391.4 of the regulations to reduce the fee charged for providing laboratory services from \$52.92 per hour, per program employee, to \$48.56 per hour per program employee.

To recover the increased costs in an expeditious manner, the Administrator has determined that these amendments should be effective less than 30 days after publication in the Federal Register.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866. The fee increases for voluntary inspection, identification, and certification services, overtime, and holiday inspection services primarily reflect the 1996 increase in salaries of Federal employees allocated by Congress under the Federal Employees Pay

Comparability Act of 1990. The fee decrease for laboratory services reflects the use of automated equipment for testing laboratory samples and other inspection related services not covered under the base time, overtime, and holiday costs such as travel expenses.

The Administrator, FSIS, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601). The fee increases provided for in this document will reflect a minimal increase in the costs currently borne by those entities which elect to utilize certain inspection services and a decrease in program support costs.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule (1) preempts all State and local laws, 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.

List of Subjects in 9 CFR Part 391

Fees and charges, Meat inspection, Poultry products inspection.

For the reasons set out in the preamble, 9 CFR part 391 is amended as follows:

PART 391—FEES AND CHARGES FOR INSPECTION SERVICES

1. The authority citation for part 391 continues to read as follows:

Authority: 7 U.S.C. 138f; 7 U.S.C. 394, 1622, and 1624; 21 U.S.C. 451 *et seq.*; 21 U.S.C. 601–695; 7 CFR 2.18 and 2.53.

2. Sections 391.2, 391.3, and 391.4 are revised to read as follows:

§ 391.2 Base time rate.

The base time rate for inspection services provided pursuant to §§ 350.7, 351.8, 351.9, 352.5, 354.101, 355.12, and 362.5 shall be \$31.92 per hour, per program employee.

§ 391.3 Overtime and holiday rate.

The overtime and holiday rate for inspection services provided pursuant to §§ 307.5, 350.7, 351.8, 351.9, 352.5, 354.101, 355.12, 362.5, and 381.38 shall be \$32.96 per hour, per program employee.

§ 391.4 Laboratory services rate.

The rate for laboratory services provided pursuant to §§ 350.7, 351.9, 352.5, 354.101, 355.12, and 362.5 shall be \$52.92 per hour, per program employee.

Done at Washington, DC, on December 6, 1996.

Thomas J. Billy,
Administrator.

[FR Doc. 96–31609 Filed 12–12–96; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM–136; Special Conditions No. 25–ANM–122]

Special Conditions: Gulfstream Model G1159A Airplane; High-Intensity Radiated Fields

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Gulfstream Model G1159A airplane, modified by Chrysler Pentastar to include a Flight Vision Heads-Up Display (FV–2000) system, that provides critical data to the flightcrew. The applicable regulations do not contain adequate or appropriate safety standards for the protection of this system from the effects of high-intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is December 4, 1996. Comments must be received on or before January 13, 1997.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attn: Rules Docket (ANM–7), Docket No. NM–136, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked: Docket No. NM–136. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Connie Bean, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone (206) 227–2796; facsimile (206) 227–1149.