

period greater than 12 months. Thus, a cost savings of from 33 to 60 percent will be realized by purchasers of granular tefluthrin who ship their products out of the restricted areas between 12 and 18 months after treatment. The current retail price of granular tefluthrin is about \$4.00 per pound, but prices can vary considerably depending upon whether or not it is purchased in bulk. A 33 to 60 percent cost savings realized by applying tefluthrin at a 10 ppm dose rate rather than a 15 or 25 ppm dose rate could mean a savings of about \$1.33 to \$2.40 in the application of one pound of granular tefluthrin.

We do not anticipate that there will be a noticeable impact on small entities that distribute agricultural chemicals. Distributors of agricultural chemicals are diversified businesses that sell a wide variety of chemicals, fertilizers, and other farm and nursery supplies. We do not expect any significant economic impact on any other small entities.

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 information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

## PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

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

2. In part 301, Subpart—Imported Fire Ant, in the appendix to the subpart, paragraph III.C.3.c. is amended by revising the dosage table to read as follows:

### Subpart—Imported Fire Ant

\* \* \* \* \*

Appendix to Subpart “Imported Fire Ant”—Portion of “Imported Fire Ant Program Manual”<sup>8</sup>

### III. Regulatory Procedures

\* \* \* \* \*

#### C. Approved Treatments.

\* \* \* \* \*

#### 3. Plants—Balled or in Containers

\* \* \* \* \*

##### c. Tefluthrin: Granular Formulation.

\* \* \* \* \*

##### Dosage: \* \* \*

Granular tefluthrin dosage (parts per million)	Certification period (months after treatment)
10 ppm .....	0–18 months.
25 ppm .....	Continuous.

\* \* \* \* \*

Done in Washington, DC, this 8th day of October 1996.

A. Strating,

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

[FR Doc. 96–26348 Filed 10–11–96; 8:45 am]

BILLING CODE 3410–34–P

## 7 CFR Part 354

[Docket No. 95–049–1]

### Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

**SUMMARY:** We are amending the regulations concerning overtime services provided by employees of Plant Protection and Quarantine by removing

<sup>8</sup> A copy of the entire “Imported Fire Ant Program Manual” may be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, MD 20737–1236.

and adding commuted traveltime allowances for travel between various locations in Canada, Louisiana, Michigan, and Washington. Commuted traveltime allowances are the periods of time required for Plant Protection and Quarantine employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty. The Government charges a fee for certain overtime services provided by Plant Protection and Quarantine employees and, under certain circumstances, the fee may include the cost of commuted traveltime. This action is necessary to inform the public of commuted traveltime for these locations.

EFFECTIVE DATE: October 15, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. James Smith, Operations Officer, Port Operations, PPQ, APHIS, Suite 4A34, 4700 River Road Unit 60, Riverdale, MD 20737–1236, (301) 734–8415.

### SUPPLEMENTARY INFORMATION:

#### Background

The regulations in 7 CFR, chapter III, and 9 CFR, chapter I, subchapter D, require inspection, laboratory testing, certification, or quarantine of certain plants, plant products, animals, animal byproducts, or other commodities intended for importation into, or exportation from, the United States. When these services must be provided by an employee of Plant Protection and Quarantine (PPQ) on a Sunday or holiday, or at any other time outside the PPQ employee's regular duty hours, the Government charges a fee for the services in accordance with 7 CFR part 354. Under circumstances described in § 354.1(a)(2), this fee may include the cost of commuted traveltime. Section 354.2 contains administrative instructions prescribing commuted traveltime allowances, which reflect, as nearly as practicable, the periods of time required for PPQ employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty.

We are amending § 354.2 of the regulations by removing and adding commuted traveltime allowances for travel between various locations in Canada, Louisiana, Michigan, and Washington. The amendments are set forth in the rule portion of this document. This action is necessary to inform the public of the commuted traveltime between the dispatch and service locations.

**Effective Date**

The commuted traveltime allowances appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for recovering the cost of furnishing port of entry services, depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary; we also find good cause for making this rule effective less than 30 days after publication of this document in the Federal Register.

**Executive Order 12866 and Regulatory Flexibility Act**

This final rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

The number of requests for overtime services of a PPQ employee at the locations affected by our rule represents

an insignificant portion of the total number of requests for these services in the United States.

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 final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations, or policies that conflict with its provisions or that would otherwise impede its full implementation. This rule is not intended to have retroactive effect. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule or the application of its provisions.

**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.*).

**List of Subjects in 7 CFR Part 354**

Exports, Government employees, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Travel and transportation expenses.

Accordingly, 7 CFR part 354 is amended as follows:

**PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS; AND USER FEES**

1. The authority citation for part 354 continues to read as follows:

Authority: 7 U.S.C. 2260; 21 U.S.C. 136 and 136a; 49 U.S.C. 1741; 7 CFR 2.22, 2.80, and 371.2(c).

2. Section 354.2 is amended by removing or adding in the table, in alphabetical order, the following entries to read as follows:

**§ 354.2 Administrative instructions prescribing commuted traveltime.**

\* \* \* \* \*

**COMMUTED TRAVELTIME ALLOWANCES**

[In hours]

Location covered	Served from	Metropolitan area	
		Within	Out-side
[Remove]			
* * * * *			
Louisiana:			
Barksdale AFB, Shreveport .....			3½
* * * * *			
England AFB .....	Alexandria .....	1	
England AFB, Alexandria .....	Baton Rouge .....		5
England AFB, Alexandria .....	Monroe .....		4
* * * * *			
Lake Charles .....	Alexandria .....		4
* * * * *			
Michigan:			
Bay City .....	Detroit .....		5
Battle Creek .....	Kalamazoo .....		2
Detroit (including Detroit Metropolitan Airport, Inkster) .....		3	
* * * * *			
Monroe .....	Detroit .....		3
Mt. Clemens .....	Romulus .....		4
Muskegon .....	Detroit .....		6
* * * * *			
Muskegon .....	Kalamazoo .....		4

COMMUTED TRAVELTIME ALLOWANCES—Continued  
[In hours]

Location covered			Served from			Metropolitan area	
						Within	Out-side
*	*	*	*	*	*	*	
Port Huron .....			Detroit .....				4
Saginaw .....			Detroit .....				5
Selfridge AFB .....			Romulus .....				4
South Haven .....			Detroit .....				6
Washington:							
*	*	*	*	*	*	*	
Undesignated Ports .....			Portland, OR, Tacoma, Seattle .....			3	
[Add]							
*	*	*	*	*	*	*	
Canada: Vancouver, BC (Including Richmond) .....			Blaine .....				4
Louisiana:							
*	*	*	*	*	*	*	
England Air Park .....			Baton Rouge .....				5
England Air Park .....			Shreveport .....				5
England Air Park .....			Monroe .....				4
Michigan:							
Battle Creek .....			Grand Rapids .....				3
Bay City .....			Mt. Pleasant .....				3
Detroit (including Detroit Metropolitan Airport, and Willow Run Airport) .....			Romulus/Detroit .....			3	
Washington:							
*	*	*	*	*	*	*	
Saginaw .....			Mt. Pleasant .....				3
Selfridge AFB .....			Port Huron .....				3
Washington:							
*	*	*	*	*	*	*	
Fairchild AFB .....			Ellensburg .....				6
Fairchild AFB .....			Spokane .....			2	
Washington:							
*	*	*	*	*	*	*	
Spokane International Airport .....			Ellensburg .....				6
Spokane International Airport .....			Spokane .....			2	
Washington:							
*	*	*	*	*	*	*	
Undesignated Ports .....			Astoria or Portland, OR; Blaine, Ellensburg, Seattle, Spokane, Tacoma. ....				3
*	*	*	*	*	*	*	

Done in Washington, DC, this 8th day of October 1996.

A. Strating,

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

[FR Doc. 96-26349 Filed 10-11-96; 8:45 am]

BILLING CODE 3410-34-P

## Agricultural Marketing Service

### 7 CFR Part 950

[Docket No. FV95-950-1FR]

#### Irish Potatoes Grown in Maine; Termination of Marketing Order No. 950

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule terminates the Federal marketing order regulating the handling of Irish potatoes grown in Maine (order) and the rules and regulations issued thereunder. The Maine potato industry has not operated under the order for almost three decades and the order does not reflect current industry structure and operating procedures. Thus, there is no need to continue this order.

**EFFECTIVE DATE:** November 14, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Robert F. Matthews, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, telephone (202) 690-0464, FAX (202) 720-5698.

**SUPPLEMENTARY INFORMATION:** This final rule is governed by the provisions of § 608c(16)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act and § 950.84 of the order.

This regulatory action is being taken as a part of the National Performance Review to eliminate unnecessary regulations and to improve those that remain in force.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before

parties may file suit in court. Under § 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has a principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 750 producers of Maine potatoes. Some of them are also handlers who would be subject to seasonal handling regulations under the order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms, which include handlers, are defined as those whose annual receipts are less than \$5,000,000. The majority of the Maine potato producers and handlers may be classified as small entities.

No seasonal regulations have been implemented under the order since the 1967-68 season. There is no indication that regulations will again be needed. This action terminates the order and regulations issued thereunder. Further, the order does not reflect current industry structure and operating procedures. Therefore, AMS has determined that this action will not have a significant impact on a substantial number of small entities.

The order was initially established on August 24, 1954, to help the industry solve specific marketing problems and maintain orderly marketing conditions. It was the responsibility of the Maine

Potato Marketing Committee (committee), the agency established for local administration of the marketing order, to periodically investigate and assemble data on the growing, harvesting, shipping, and marketing conditions of Maine potatoes. The committee endeavored to achieve orderly marketing and improve acceptance of Maine potatoes through the establishment of minimum size and quality requirements. When regulated, fresh potato shipments consisted only of those grades and sizes desired by consumers.

The Maine potato industry has not operated under the marketing order for almost three decades. Regulations have not been applied to Maine potato handlers since the late 1960's and a committee to locally administer the marketing order has not been appointed since the early 1970's. In August 1954, when the marketing order was issued, there were almost 4,500 producers of Maine potatoes. Currently, there are about 750 producers.

While a sizeable potato industry remains active in Maine, there seems to be virtually no interest in a Federal marketing order. Over the years, there have been periodic inquiries about reviving the marketing order, but no formal requests for reactivation have ever materialized. In any case, with the passage of time and changes in industry structure and operating practices since the order was formulated, the marketing order does not reflect current industry structure and operating procedures.

A proposed rule was published in the November 16, 1995, issue of the Federal Register giving interested persons until December 18, 1995, to file written comments. No comments were received.

Pursuant to § 608c(16)(A) of the Act and § 950.84 of the order, the Secretary has determined that Marketing Order No. 950, covering Irish potatoes grown in Maine, and the rules and regulations issued thereunder, no longer tend to effectuate the declared policy of the Act, and are hereby terminated. Trustees need not be appointed to continue in the capacity of concluding and liquidating the affairs of the former committee, since no funds or property remain to be distributed or liquidated.

Section 608c(16)(A) of the Act requires the Secretary to notify Congress 60 days in advance of the termination of a Federal marketing order. Congress has been so notified.

#### List of Subjects in 7 CFR Part 950

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.