

330.1106 Appointment of certain present and former employees of the District of Columbia Department of Corrections to vacancies in other Federal agencies

Subpart K—Federal Employment Priority Consideration Program for Displaced Employees of the District of Columbia Department of Corrections

§ 330.1101 Purpose.

A displaced employee of the District of Columbia (DC) Department of Corrections (DOC) who is separated from his/her position as a result of the closure of the Lorton Correctional Complex, and who does not meet the qualifications and suitability requirements for Federal Bureau of Prisons law enforcement positions, is entitled to priority consideration for other Federal vacancies when he/she applies and is determined to be well-qualified.

§ 330.1102 Duration.

This program shall terminate one year after the closing of the Lorton Correctional Complex or December 31, 2002, whichever is later.

§ 330.1103 Definitions.

For purposes of this subpart:

(a) *Displaced employee* means a current or former employee of the District of Columbia Department of Corrections who has received a specific reduction in force (RIF) separation notice as a result of the closure of the Lorton Correctional Complex.

(b) *Does not meet the qualifications and suitability requirements for Bureau of Prisons law enforcement positions* means a DC DOC employee who has not been appointed to a Federal Bureau of Prisons law enforcement position.

(c) *Non-Bureau of Prisons positions in the Federal Government* means any competitive service positions (other than positions covered by the Federal Bureau of Prisons Priority Consideration Program).

(d) *Priority consideration* means a displaced DC DOC employee eligible under this subpart who applies for a vacancy and is determined to be well-qualified is accorded similar priority and order of selection as an eligible current or former displaced Federal employee under 5 CFR 330, subpart G—Interagency Career Transition Assistance Plan for Displaced Employees. In addition, DC DOC employees are eligible for this priority consideration without regard to any geographical restrictions.

(e) *Well-qualified employee* means an eligible employee who possesses the knowledge, skills, and abilities which clearly exceed the minimum

qualification requirements for the position. A well-qualified employee will not necessarily meet the agency's definition of "highly or best qualified," when evaluated against other candidates who apply for a particular vacancy, but must satisfy the following criteria, as determined and consistently applied by the agency.

(1) Meets the basic qualification standards and eligibility requirements for the position, including any medical qualifications, suitability, citizenship, and minimum educational and experience requirements;

(2) Satisfies one of the following qualifications requirements:

(i) Meets all selective factors where applicable. Meets appropriate quality rating factor levels as determined by the agency. Selective and quality ranking factors cannot be so restrictive that they run counter to the goal of placing displaced employees. In the absence of selective and quality ranking factors, selecting officials will document the job-related reason(s) the eligible employee is or is not considered to be well qualified; or

(ii) Is rated by the agency to be above minimally qualified in accordance with the agency's specific rating and ranking process. Generally, this means that the individual may or may not meet the agency's test for "highly qualified," but would in fact, exceed the minimum qualifications for the position;

(3) Is physically qualified, with reasonable accommodation where appropriate, to perform the essential duties of the position;

(4) Meets any special qualifying condition(s) that OPM has approved for the position; and

(5) Is able to satisfactorily perform the duties of the position upon entry.

§ 330.1104 Eligibility.

(a) To be eligible for priority consideration, an employee of the DC DOC must:

(1) Be in receipt of a RIF separation notice from the DC Department of Corrections in connection with the closure of the Lorton Correctional Complex.

(2) Have not been appointed to a Federal Bureau of Prisons law enforcement position.

(3) Apply for a vacancy within the time frames established by the agency;

(4) Be determined by the agency as well-qualified for the specific vacancy.

(b) *Eligibility for priority consideration begins:* on the date the DC DOC employee receives or is issued a specific RIF separation notice by the DC DOC.

(c) *Eligibility expires:*

(1) One year after the closing of the Lorton Correctional Complex;

(2) When the DC DOC employee is no longer being separated by RIF;

(3) When the DC DOC employee receives a career, career-conditional, or excepted appointment without time limit in any Federal agency at any grade level;

(4) When the DC DOC employee voluntarily separates by resignation or retirement prior to the RIF effective date; or

(5) When the DC DOC employee is separated involuntarily other than by RIF prior to the RIF effective date.

§ 330.1105 Selection.

If two or more individuals apply for a vacancy and are determined to be well-qualified, and meet the eligibility requirements under § 330.704(a) or § 330.1104(a), the agency would have the discretion of selecting any of these eligible employees.

§ 330.1106 Appointment of certain present and former employees of the District of Columbia Department of Corrections to vacancies in other Federal agencies.

(a) Appointments made under this section are excepted appointments to positions in the competitive service.

(b) Eligibility for appointment under this subpart expires 1 year after the closing of the Lorton Correctional Complex or December 31, 2002, whichever is later.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 97-073-6]

Oriental Fruit Fly; Removal of Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rules as final rule.

SUMMARY: We are adopting as a final rule, without change, two interim rules that amended the Oriental fruit fly regulations by removing the quarantine on portions of Los Angeles County, CA, and by removing the restrictions on the interstate movement of regulated articles from those areas. The interim rules were necessary to relieve restrictions that are no longer needed to prevent the spread of the Oriental fruit

fly into noninfested areas of the United States. We have determined that the Oriental fruit fly has been eradicated from the portions of Los Angeles County, CA, and that the quarantine and restrictions are no longer necessary. Therefore, as a result of the interim rules, there are no longer any areas in the continental United States quarantined for Oriental fruit fly.

EFFECTIVE DATE: Affirmation effective August 4, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-8247; or e-mail: michael.b.stefan@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

We recently published two interim rules amending the Oriental fruit fly quarantine and regulations. In the first interim rule, effective February 18, 1998, and published in the **Federal Register** on February 23, 1998 (63 FR 8835-8836, Docket No. 97-073-4), we amended the Oriental fruit fly regulations by removing the quarantine on a portion of Los Angeles County, CA, and by removing the restrictions on the interstate movement of regulated articles from that area. In the second interim rule, effective April 1, 1998, and published in the **Federal Register** on April 7, 1998 (63 FR 16877-16878, Docket No. 97-073-5), we amended the Oriental fruit fly regulations by removing the quarantine on the remaining portion of Los Angeles County, CA, and by removing the restrictions on the interstate movement of regulated articles from that area. As a result of the interim rules, there are no longer any areas in the continental United States quarantined for Oriental fruit fly.

These actions were necessary to relieve restrictions that are no longer needed to prevent the spread of the Oriental fruit fly into noninfested areas of the United States.

Comments on the first interim rule (Docket No. 97-073-4) were required to be received on or before April 24, 1998. Comments on the second interim rule (Docket No. 97-073-5) were required to be received on or before June 8, 1998. We did not receive any comments on either interim rule. The facts presented in the interim rules still provide a basis for the rules.

This action also affirms the information contained in the interim rules concerning Executive Order 12866 and the Regulatory Flexibility Act,

Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 7 CFR Part 301

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

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, two interim rules that amended 7 CFR part 301 and that were published at 63 FR 8835-8836 on February 23, 1998, and 63 FR 16877-16878 on April 7, 1998.

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 29th day of July 1998.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 97-102-3]

Mediterranean Fruit Fly; Removal of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the Mediterranean fruit fly regulations by removing the quarantined area in Los Angeles County, CA, from the list of quarantined areas. We have determined that the Mediterranean fruit fly has been eradicated from this area and that restrictions on the interstate movement of regulated articles from this area are no longer necessary. As a result of the interim rule, there are no longer any areas in California quarantined because of the Mediterranean fruit fly.

EFFECTIVE DATE: The interim rule was effective on April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer,

Domestic and Emergency Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-8247; or e-mail: michael.b.stefan@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective April 16, 1998, and published in the **Federal Register** on April 21, 1998 (63 FR 19651-19652, Docket No. 97-102-2), we amended the Mediterranean fruit fly regulations (contained in 7 CFR 301.78 through 301.78-10) by removing the quarantined area in Los Angeles County, CA, from the list of quarantined areas in § 301.78-3(c). That action relieved unnecessary restrictions on the interstate movement of regulated articles from the quarantined area. Also, as a result of that action, there are no longer any areas in California quarantined because of the Mediterranean fruit fly.

Comments on the interim rule were required to be received on or before June 22, 1998. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 7 CFR Part 301

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

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 63 FR 19651-19652 on April 21, 1998.

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 29th day of July 1998.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

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