

§ 551.501 Overtime pay.

(a) * * *

(1) On the basis of periods of duty in excess of 8 hours in a day when the employee receives compensation for that duty under 5 U.S.C. 5545(c)(1) or (2) or 5545b;

* * * * *

(5) On the basis of hours of work in excess of 40 hours in a workweek for an employee engaged in fire protection or law enforcement activities when the employee receives compensation for those hours of work under 5 U.S.C. 5545(c)(1) or (2) or 5545b;

* * * * *

15. In § 551.541, paragraph (a) is amended by adding "or 5545b" immediately before the period at the end of the paragraph, and a new paragraph (d) is added to read as follows:

§ 551.541 Employees engaged in fire protection activities or law enforcement activities.

* * * * *

(d) A firefighter subject to section 7(k) of the Act who is compensated under part 550, subpart M, of this chapter is deemed to be appropriately compensated under section 7(k) of the Act and this part if the requirements of § 550.1304(a) of this chapter are satisfied. (See 5 U.S.C. 5545b(d)(2).)

PART 591—ALLOWANCES AND DIFFERENTIALS**Subpart B—Cost-of-Living Allowance and Post Differential—Nonforeign Areas**

16. The authority citation for part 591, subpart B, continues to read as follows:

Authority: 5 U.S.C. 5941; E.O. 10000, 3 CFR, 1943–1948 Comp., p. 792; and E.O. 12510, 3 CFR, 1985 Comp., p. 338.

17. In § 591.201, the definition of *rate of basic pay* is revised to read as follows:

§ 591.201 Definitions.

* * * * *

Rate of basic pay means the rate of pay fixed by statute for the position held by an individual before any deductions and exclusive of additional pay of any kind, such as overtime pay, night differential, extra pay for work on holidays, or allowances and differential, except that straight-time pay for regular overtime hours for firefighters under 5 U.S.C. 5545b (as provided in § 550.1305(b) of this chapter) is included as basic pay.

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PART 630—ABSENCE AND LEAVE

18. The authority citation for part 630 continues to read as follows:

Authority: 5 U.S.C. 6311; § 630.301 also issued under Pub. L. 103–356, 108 Stat. 3410; § 630.303 also issued under 5 U.S.C. 6133(a); §§ 630.306 and 630.308 also issued under 5 U.S.C. 6304(d)(3), Pub. L. 102–484, 106 Stat. 2722, and Pub. L. 103–337, 108 Stat. 2663; subpart D also issued under Pub. L. 103–329, 108 Stat. 2423; § 630.501 and subpart F also issued under E.O. 11228, 30 FR 7739, 3 CFR, 1974 Comp., p. 163; subpart G also issued under 5 U.S.C. 6305; subpart H also issued under 5 U.S.C. 6326; subpart I also issued under 5 U.S.C. 6332, Pub. L. 100–566, 102 Stat. 2834, and Pub. L. 103–103, 107 Stat. 1022; subpart J also issued under 5 U.S.C. 6362, Pub. L. 100–566, and Pub. L. 103–103; subpart K also issued under Pub. L. 102–25, 105 Stat. 92; and subpart L also issued under 5 U.S.C. 6387 and Pub. L. 103–3, 107 Stat. 23.

Subpart B—Definitions and General Provisions for Annual and Sick Leave

19. In § 630.201, paragraph (b), the definition of *uncommon tour of duty* is revised to read as follows:

§ 630.201 Definitions.

* * * * *

(b) * * *

Uncommon tour of duty means an established tour of duty that exceeds 80 hours of work in a biweekly pay period, provided the tour—

(1) Includes hours for which the employee is compensated by standby duty pay under 5 U.S.C. 5545(c)(1) and § 550.141 of this chapter;

(2) Is a regular tour of duty (as defined in § 550.1302 of this chapter) established for firefighters compensated under 5 U.S.C. 5545b and part 550, subpart M, of this chapter; or

(3) Is authorized for a category of employees by the Office of Personnel Management.

20. In § 630.210, a new paragraph (c) is added to read as follows:

§ 630.210 Uncommon tours of duty.

* * * * *

(c) An agency must require that firefighters compensated under § 550.1303(a) of this chapter accrue and use leave on the basis of the applicable uncommon tour of duty.

PART 870—FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM

21. The authority citation for part 870 continues to read as follows:

Authority: 5 U.S.C. 8716; subpart J also issued under sec. 599C of Pub. L. 101–513, 104 Stat. 2064, as amended; § 870.302 also issued under sections 11202(f), 11232(e), and 11246(b) and (c) of Pub. L. 105–33, 111 Stat. 251.

Subpart B—Types and Amount of Insurance

22. Section 870.204 is amended by revising paragraph (a)(2)(ii), by removing the word "and" at the end of paragraph (a)(2)(ix), by removing the period at the end of paragraph (a)(2)(x) and adding "; and" in its place, and by adding a new paragraph (a)(2)(xi) to read as follows:

§ 870.204 Annual rates of pay.

(a) * * *

(2) * * *

(ii) Premium pay for standby duty under 5 U.S.C. 5545(c)(1);

* * * * *

(xi) Straight-time pay for regular overtime hours for firefighters, as provided in 5 U.S.C. 5545b and part 550, subpart M, of this chapter.

* * * * *

[FR Doc. 98–31258 Filed 11–20–98; 8:45 am]

BILLING CODE 6325–01–U

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service****9 CFR Part 77**

[Docket No. 97–062–2]

Tuberculosis Testing of Livestock Other than Cattle and Bison

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are adopting as a final rule, with one change, an interim rule that amended the tuberculosis regulations to include species of livestock other than cattle and bison in the requirement for two annual herd tests for newly assembled herds on premises where a tuberculous herd has been depopulated. The interim rule was necessary because such livestock could become infected with tuberculosis and, without testing, could spread tuberculosis to the cattle or bison in the herd before the disease was detected in the herd. The testing of species of livestock other than cattle and bison in newly assembled herds on premises where a tuberculous herd has been depopulated will help ensure continued progress toward eradicating tuberculosis in the U.S. livestock population.

EFFECTIVE DATE: December 23, 1998.

FOR FURTHER INFORMATION CONTACT: Dr. James P. Davis, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road

Unit 36, Riverdale, MD 20737-1231,
(301) 734-7727; or e-mail:
James.P.Davis@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Bovine tuberculosis is the contagious, infectious, and communicable disease caused by *Mycobacterium bovis*. The regulations in 9 CFR part 77, "Tuberculosis" (referred to below as the regulations), regulate the interstate movement of cattle and bison because of tuberculosis. Cattle or bison not known to be affected with or exposed to tuberculosis may be moved interstate without restriction if those cattle or bison are moved from a State designated as an accredited-free, accredited-free (suspended), or modified accredited State. The regulations restrict the interstate movement of cattle or bison not known to be affected with or exposed to tuberculosis if those cattle or bison are moved from a nonmodified accredited State.

The status of a State is based on its freedom from evidence of tuberculosis in cattle and bison, the effectiveness of the State's tuberculosis eradication program, and the degree of the State's compliance with the standards contained in a document titled "Uniform Methods and Rules—Bovine Tuberculosis Eradication" (referred to below as the UM&R), which, as explained in the definition of *Uniform Methods and Rules—Bovine Tuberculosis Eradication* in § 77.1, has been incorporated by reference into the regulations.

In an interim rule published in the **Federal Register** and effective on February 23, 1998 (63 FR 8837-8840, Docket No. 97-062-1), we amended the tuberculosis regulations to include species of livestock other than cattle and bison in the UM&R's requirement for two annual herd tests for newly assembled herds on premises where a tuberculous herd has been depopulated. As part of that interim rule, we revised the definitions of *Accredited-free (suspended) State*, *herd*, and *Modified accredited State*, and added a definition of *livestock*.

Comments on the interim rule were required to be received on or before April 24, 1998. We received three comments by that date. The comments were from a State veterinarian, an association of zoo veterinarians, and an association of zoo and aquarium operators. All three commenters supported the testing requirements of the interim rule, but two of the commenters had concerns related to two of the definitions added or revised by

the interim rule. Those comments are discussed below.

In the interim rule, we defined *livestock* as "cattle, bison, cervids, swine, dairy goats, and other hoofed animals (such as llamas, alpacas, and antelope) raised or maintained in captivity for the production of meat and other products, for sport, or for exhibition." We also defined *herd* as "any group of livestock maintained on common ground for any purpose, or two or more groups of livestock under common ownership or supervision, geographically separated but that have an interchange or movement of livestock without regard to health status, as determined by the Administrator." As noted in the interim rule, these two definitions are the same as the definitions for those terms in § 50.1 of the tuberculosis indemnity regulations in 9 CFR part 50.

Two of the commenters were concerned about the potential impact that the interim rule's definitions of *livestock* and *herd* could have on animals maintained in zoos. First, the commenters were concerned that the inclusion of "other hoofed animals" in the definition of *livestock* might lead to a requirement that intradermal tuberculin skin testing be performed on animals like rhinoceroses and giraffes for which such testing has not been validated. The commenters recommended that the definition of *livestock* be modified to include only those animals for which there is clinical evidence that the intradermal tuberculin skin test is valid. With regard to the definition of *herd*, the commenters stated that it may be difficult to define precisely what constitutes a herd in a zoo environment, as hoofed animals of different species, housed in different areas, and under the care of different zoo professionals may or may not constitute a "herd" from an epidemiological perspective. In this case, the commenters suggested that the definition of *herd* be modified to take into account the unique character of the zoological environment.

The interim rule extended the testing requirements of the UM&R to livestock other than cattle or bison only under very limited circumstances, i.e., when those other animals are part of a newly assembled herd on a premises where a tuberculous herd has been depopulated. While it is true that certain zoo animals could fall within the categories of animals included in the interim rule's definition of *livestock*, and thus be included in the definition of *herd*, no new testing requirements have been extended to hoofed animals maintained in zoos by virtue of that inclusion. We

fully appreciate the differences between the zoological environment and commercial livestock operations, and did not intend for the interim rule to alter the way animal health issues at zoos are currently addressed by the Animal and Plant Health Inspection Service, the States, and the zoos themselves. Because the interim rule's definitions of *livestock* and *herd* do not place any new requirements on hoofed animals maintained in zoos, we do not believe that it is necessary to make any changes to those definitions based on the comments.

However, the points raised by the commenters led us to review the provisions of part 77 to ensure that the interim rule's definitions of *livestock* and *herd* did not have any unintended effects. In that review, we noted that the definition of *Accredited-free state* in § 77.1 contains the sentence "Detection of tuberculosis in two or more herds in the state within 48 months will result in revocation of accredited-free state status." Because the definition of *herd* is no longer limited to cattle and bison, that sentence could be misleading. To make it clear that it is the detection of tuberculosis in cattle and bison, and not in other livestock, that affects a State's tuberculosis status, we have amended that sentence so that it now reads: "Detection of tuberculosis in cattle or bison in two or more herds in the state within 48 months will result in revocation of accredited-free state status."

Therefore, for the reasons set forth in the interim rule and in this document, we are adopting the interim rule as a final rule with the change discussed in this document.

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

Further, this final 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.

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

Accordingly, we are adopting as a final rule, with the change set forth below, the interim rule that amended 9 CFR part 77 and that was published at 63 FR 8837-8840 on February 23, 1998.

PART 77—TUBERCULOSIS

1. The authority citation for part 77 continues to read as follows:

Authority: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 77.1 [Amended]

2. In § 77.1, in the definition of *Accredited-free state*, paragraph (1)(i), the second-to-last sentence is amended by adding the words “cattle or bison in” immediately before the words “two or more”.

Done in Washington, DC, this 17th day of November 1998.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–31215 Filed 11–20–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 98–CE–71–AD; Amendment 39–10895; AD 98–24–09]

RIN 2120–AA64

Airworthiness Directives; Burkhart GROB Luft-und Raumfahrt GmbH Model G 109B Gliders

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Burkhart GROB Luft-und Raumfahrt GmbH (Grob) Model G 109B gliders. This AD requires inspecting the elevator and trim tab for water, and assuring that the necessary drain holes are installed and existing drain holes are open. This AD also requires drilling any necessary drain holes and opening any existing drain holes that are closed; and, if a significant amount of water (more than ½ liter) is found in the elevator, assuring that the elevator's weight and residual momentum and the glider's center of gravity (C.G.) are within the limits specified in the flight manual, and adjusting the elevator's weight and residual momentum and the glider's C.G., as needed. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by this AD are intended to prevent water from penetrating the elevator and trim tab

because of inadequate drainage, which could result in a delaminated elevator and trim tab structure with consequent elevator imbalance and flutter.

DATES: Effective December 28, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 28, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from Burkhart Grob Luft-und Raumfahrt, D–8939 Mattsies, Germany. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–71–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:**Events Leading to the Issuance of This AD**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Grob Model G 109B gliders was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 17, 1998 (63 FR 49673). The NPRM proposed to require inspecting the elevator and trim tab for water, and assuring that the necessary drain holes are installed and existing drain holes are open. The NPRM also proposed to require drilling any necessary drain holes and opening any existing drain holes that are closed; and, if a significant amount of water (more than ½ liter) is found in the elevator, assuring that the elevator's weight and residual momentum and the glider's center of gravity (C.G.) are within the limits specified in the flight manual, and adjusting the elevator's weight and residual momentum and the glider's C.G., as needed. Accomplishment of the proposed action as specified in the NPRM would be in accordance with Grob Service Bulletin TM 817–35, dated July 20, 1992.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany.

Interested persons have been afforded an opportunity to participate in the

making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 20 gliders in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per glider to accomplish the proposed inspection, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of the inspection on U.S. operators is estimated to be \$1,200, or \$60 per glider.

If drain holes need to be added, the FAA estimates that it will take approximately 1 workhour per glider to accomplish the modification, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of the modification on U.S. operators is estimated to be \$60 per glider that will need drain holes installed.

Compliance Time of This AD

The compliance time of this AD is presented in calendar time instead of hours time-in-service (TIS). The unsafe condition is not a result of the number of times the glider is operated. If the elevator and trim tab of the affected gliders have inadequate drainage, then water could penetrate the elevator and trim tab on the first flight, as well as subsequent flights. The delamination and imbalance that could then occur can happen in a very short period of time or happen over a long period of time. For these reasons, the FAA has determined that a compliance based on calendar time should be utilized in this AD in order to assure that the unsafe condition is addressed on all gliders in a reasonable time period.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various