

has waived its review process required by Executive Order 12866.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the brucellosis status of New Mexico from Class A to Class Free will promote economic growth by reducing certain testing and other requirements governing the interstate movement of cattle from this State. Testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by this change. Cattle from certified brucellosis-free herds moving interstate are not affected by this change.

The groups affected by this action will be herd owners in New Mexico, as well as buyers and importers of cattle from this State.

There are an estimated 29,000 cattle herds in New Mexico that would be affected by this rule. Ninety-eight percent of these are owned by small entities. Test-eligible cattle offered for sale interstate from other than certified-free herds must have a negative test under present Class A status regulations, but not under regulations concerning Class Free status. If such testing were distributed equally among all herds affected by this rule, Class Free status would save approximately \$5.56 per herd.

Therefore, we believe that changing the brucellosis status of New Mexico will not have a significant economic impact on the small entities affected by this interim rule.

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 in conflict 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 document contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 78 is amended as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continues to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 78.41 [Amended]

2. In § 78.41, paragraph (a) is amended by adding “New Mexico,” immediately after “New Jersey,”.

3. In § 78.41, paragraph (b) is amended by removing “New Mexico,”.

Done in Washington, DC, this 12th day of November 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–29476 Filed 11–15–96; 8:45 am]

BILLING CODE 3410–34–P

9 CFR Part 97

[Docket No. 96–074–1]

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 Veterinary Services by adding commuted traveltime allowances for travel between various locations in New York and Vermont. Commuted traveltime allowances are the periods of time required for Veterinary Services 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 Veterinary Services 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: November 18, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Louise Rakestraw Lothery, Director, Resource Management Support Staff, VS, APHIS, Suite 3B08, 4700 River Road Unit 44, Riverdale, MD 20737–1231, (301) 734–7517, or e-mail: llothery@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR, chapter I, subchapter D, and 7 CFR, chapter III, require inspection, laboratory testing, certification, or quarantine of certain animals, animal byproducts, plants, plant products, or other commodities intended for importation into, or exportation from, the United States. When these services must be provided by an employee of Veterinary Services (VS) on a Sunday or holiday, or at any other time outside the VS employee's regular duty hours, the Government charges a fee for the services in accordance with 9 CFR part 97. Under circumstances described in § 97.1(a), this fee may include the cost of commuted traveltime. Section 97.2 contains administrative instructions prescribing commuted traveltime allowances, which reflect, as nearly as practicable, the periods of time required for VS 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 § 97.2 of the regulations by adding commuted traveltime allowances for travel between various locations in New York and Vermont. 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 VS 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 9 CFR Part 97

Exports, Government employees, Imports, Livestock, Poultry and poultry products, Travel and transportation expenses.

Accordingly, 9 CFR part 97 is amended as follows:

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

1. The authority citation for part 97 continues to read as follows:

Authority: 7 U.S.C. 2260; 49 U.S.C. 1741; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 97.2 is amended by adding in the table, in alphabetical order, under New York and Vermont, the following entries to read as follows:

§ 97.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES [In hours]

Locations covered	Served from	Metropolitan area	
		Within	Outside
[Add]			
*	*	*	*
New York:			
*	*	*	*
Champlain	Highgate, VT.	1	
*	*	*	*
Vermont:			
*	*	*	*
Highgate	1	
*	*	*	*

Done in Washington, DC, this 12th day of November 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-29477 Filed 11-15-96; 8:45 am]

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COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 3

Amendment to Interpretative Statement Regarding Statutory Disqualification From Registration

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of Amended Interpretative Statement.

SUMMARY: The Commodity Futures Trading Commission has determined to amend its interpretation of the "for other good cause" standard contained in the Commission's Interpretative Statement With Respect to Section 8a(2) (C) and (E) and Section 8a(3) (J) and (M)

of the Commodity Exchange Act. The amendment revises the existing statement by clarifying that violation of a settlement agreement with a contract market, registered futures association or other self-regulatory organization to withdraw from registration and/or not to apply for registration constitutes "other good cause" for adverse registration action under Section 8a(3)(M) of the Commodity Exchange Act, 7 U.S.C. 12a(3)(M).

EFFECTIVE DATE: November 18, 1996.

FOR FURTHER INFORMATION CONTACT: Stephen Mihans, Senior Attorney, Division of Enforcement, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC. 20581. Telephone: (202) 418-5399.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission ("Commission") has determined to amend its Interpretative Statement With Respect to Section 8a(2) (C) and (E) and Section 8a(3) (J) and (M) of the Commodity Exchange Act ("Interpretative Statement") by adding language clarifying that an applicant's violation of an explicit agreement, made in the context of a settlement with a contract market, registered futures association or other self-regulatory organization ("SRO"), to withdraw from registration and/or not to apply for registration constitutes "other good cause" for adverse registration action under section 8a(3)(M) of the Commodity Exchange Act, 7 U.S.C. 12a(3)(M).¹

The Commission's Interpretative Statement, among other things, provides guidance on the scope and meaning of section 8a(3)(M), 7 U.S.C. 12a(3)(M), by identifying situations in which "other good cause" to affect a person's registration exists.² The Commission, by this release, amends the Interpretative Statement to describe an additional situation in which "other good cause" will be deemed to exist—namely, when a person, in a settlement with a contract market, registered futures association or other SRO, agrees to withdraw from and/or not to apply for Commission registration and then fails to withdraw from registration or applies for registration in violation of that agreement. Neither the existing

¹ The Interpretative Statement is printed as Appendix A following the Commission's part 3 (Registration) rules, 17 CFR part 3.

² It states, for example, that the Commission interprets paragraph (M) as authorizing the Commission to refuse to register a person if he or she is the subject of an administrative action brought by the Commission to revoke the person's existing registration, pending a final determination in that proceeding.