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 location 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 12778

This final rule has been reviewed under Executive Order 12778, 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 1980 (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 2.17, 2.51, and 371.2(d).

2. Section 97.2 is amended by adding in the table, in alphabetical order, under Montana, the following entry to read as follows:

§97.2 Administrative instruction prescribing commuted traveltime.

COMMUTED TRAVELTIME ALLOWANCES [In hours]

Location covered	Served from		Metropolitan area	
			Within	Outside
*	*	*	*	*
Montana:				
*	*	*	*	*
Helena .			1	
*	*	*	*	*

Done in Washington, DC, this 6th day of January 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service. [FR Doc. 95–808 Filed 1–11–95; 8:45 am] BILLING CODE 3410–34–P

9 CFR Part 112

[Docket No. 92-098-3]

Viruses, Serums, Toxins, and Analogous Products; Packaging and Labeling

AGENCY: Animal and Plant Health Inspection Service, USDA. **ACTION:** Final rule; postponement of effective date.

SUMMARY: This document postpones the effective date, upon which the final rule on the packaging and labeling of veterinary biological products takes effect, from February 21, 1995, to August 19, 1995. Upon the effective date, the final rule prohibits the repackaging and relabeling, for further sale or distribution, of final containers of product that are imported or that are packaged at licensed establishments in cartons or other containers. The extension of the effective date is necessary in order to allow a sufficient transition period and to ensure the continued availability of single-dose veterinary biologics.

EFFECTIVE DATE: The effective date of the final rule is postponed from February 21, 1995, to August 19, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. David A. Espeseth, Deputy Director, Veterinary Biologics, BBEP, APHIS, USDA, PO Drawer 810, Riverdale, MD 20738. The telephone number for the agency contact will change when agency offices in Hyattsville, MD, move to Riverdale, MD, during January 1995. Telephone: (301) 436–8245 (Hyattsville); (301) 734–8245 (Riverdale).

SUPPLEMENTARY INFORMATION: Under authority of the Virus-Serum-Toxin Act (21 U.S.C. 151-159), as amended by the Food Security Act of 1985, the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, published a proposed rule on April 28, 1993 (58 FR 25786-25788, Docket No. 92–098–1) on the packaging and labeling of veterinary biologics. During the 60-day comment period, thirty-nine comments were received. Thirty-six comments were in support of the rule; three were not. The final rule was published on August 24, 1994 (59 FR 43441-43445, Docket No. 92-098-2). Unless otherwise exempted, the final rule prohibits the repackaging and relabeling, for further sale or distribution, of final containers of veterinary biologics that are imported or that are prepared in licensed establishments. The effective date of the final rule that was published on August 24, 1994, was to have been 180 days after the date of publication or February 21, 1995.

Since the publication of the final rule, APHIS has received a large number of (in excess of 400) letters and numerous inquiries from congresspersons, a State governor, distributors, consumers, and representatives of kennel clubs and humane societies expressing concern that implementation of the final rule would result in a shortage of single-dose animal vaccines which could be sold without restriction. This shortage, it was claimed, would result in the failure to vaccinate a large number of animals that are currently vaccinated by owners. Based on these letters and inquiries and its own monitoring efforts, APHIS has determined that additional time is necessary to allow for coordination between producers and distributors of veterinary biologics in order to provide distributors and consumers with fully packaged and labeled single-dose biological products.

Therefore, the effective date of the final rule that was published at 59 FR 43441–43445, August 24, 1994, Docket No. 92–098–2, is postponed until August 19, 1995.

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).