

individuals who are appointed in an agency within 1 year before the date the agency is scheduled by law or Executive order to be terminated. A longer period of time is being established for the Panama Canal Commission employees to ensure that the Panama Canal Commission can determine its severance pay liabilities well in advance of the transfer of Canal operations.

Under the Panama Canal Treaty of 1977, the Canal operation must be transferred to the Republic of Panama free of any debt or encumbrances. Thus, severance pay liabilities must be estimated in advance and prefunded. This prefunding would require increasing Canal tolls paid by the world shipping community. Furthermore, we believe a special rule is justified for this unique situation. In this case, an organization or operation is not being "terminated" in the normal sense, but instead is being transferred to a foreign government under a treaty signed over 20 years before the transfer. (It should be noted that, prior to 1990, OPM regulations provided for a 5-year rule instead of the current 1-year rule in § 550.704(b)(3).)

The proposed regulations provide that those employees who resign before receiving notice of the successor entity's intention not to offer them reasonably comparable employment will be considered voluntarily separated and not entitled to severance pay. This is consistent with the current regulatory provision at § 550.706, which provides that an employee who resigns is considered voluntarily separated unless he or she has received definite notice of involuntary separation (5 CFR 550.706). In the case of Panama Canal Commission employees, there is no loss of continued employment unless the employee is not offered a job with one of the Canal successor entities. If an employee is officially notified that he or she will not be offered reasonably comparable employment and subsequently resigns, the resignation would be considered to be an involuntary separation under § 550.706.

Since the transfer of control of the Panama Canal is a unique situation, the special severance pay rules we are proposing are consolidated in a separate section at the end of subpart G § 550.714.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would apply only to Federal agencies and employees.

List of Subjects in 5 CFR Part 550

Administrative practice and procedure, Claims, Government employees, Wages.

Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM proposes to amend part 550 of title 5, Code of Federal Regulations, as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

Subpart G—Severance Pay

1. The authority citation for subpart G is revised to read as follows:

Authority: 5 U.S.C. 5595; E.O. 11257, November 13, 1965, 3 CFR 1964–1965 Comp., p357.

2. Section 550.714 is added to read as follows:

§ 550.714 Panama Canal Commission Employees.

(a) Notwithstanding any other provisions of this subpart, an employee separated from employment with the Panama Canal Commission as a result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements shall not be entitled to severance pay if he or she—

(1) Receives a written offer of reasonably comparable employment when such offer is made before separation from Commission employment;

(2) Accepts reasonably comparable employment within 30 days after separation from Commission employment; or

(3) Was hired by the Commission on or after (date to be inserted is the date 90 days after publication of final regulations in the **Federal Register**).

(b) The term *reasonably comparable employment* means a position that meets all the following conditions—

(1) The position is with a public or private entity assuming functions previously performed by the Panama Canal Commission for or on behalf of the Republic of Panama;

(2) The rate of basic pay of the position is not more than 20 percent below the employee's rate of basic pay as a Panama Canal Commission employee;

(3) The position is within the employee's commuting area;

(4) The position carries no fixed time limitation as to length of appointment; and

(5) The work schedule (that is, part-time or full-time) of the position is the same as that of the position held by the

employee at the Panama Canal Commission.

(c) A Panama Canal Commission employee who resigns prior to receiving an official written notice that he or she will not be offered reasonably comparable employment shall be considered to be voluntarily separated. Section 550.706(a) shall be applied, as appropriate, to any employee who resigns after receiving such notice.

(d) Except as otherwise provided by paragraphs (a) through (c) of this section, the provisions of this subpart remain applicable to Panama Canal Commission employees.

[FR Doc. 95–16546 Filed 7–6–95; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 82, 145, and 147

[Docket No. 94–091–1]

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the National Poultry Improvement Plan (the Plan) and its auxiliary provisions by providing new or modified administrative and testing procedures for Plan participants and participating flocks. The proposed changes were voted on and approved by the voting delegates at the Plan's 1992 and 1994 National Plan Conferences. These changes would keep the provisions of the Plan current with changes in the poultry industry, reduce paperwork requirements for some Plan participants, establish new program classifications, and allow the use of new sampling and laboratory procedures.

DATES: Consideration will be given only to comments received on or before September 5, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 94–091–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 94–091–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday,