

**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service****9 CFR Part 130****[Docket No. 98-004-1]****Veterinary Services User Fees****AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Final rule.

**SUMMARY:** We are making miscellaneous, nonsubstantive changes to the Veterinary Services user fee regulations. We are clarifying wording in the regulations to make the user fee regulations easier to understand and follow. We are also combining all pet bird user fees into one section in order to make them easier to find and consistently apply. These changes will make it easier to look up user fee rates and related information.

**EFFECTIVE DATE:** November 29, 1999.

**FOR FURTHER INFORMATION CONTACT:** For information concerning program operations for Veterinary Services, contact Ms. Louise Lothery, Director, Management Support Staff, VS, APHIS, 4700 River Road Unit 44, Riverdale, MD 20737-1231; (301) 734-7517.

For information concerning user fees, contact Ms. Donna Ford, Section Head, Financial Systems and Services Branch, Budget and Accounting Service Enhancement Unit, MRPBS, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737-1232; (301) 734-8351.

**SUPPLEMENTARY INFORMATION:****Background**

The regulations in 9 CFR part 130 (referred to below as the regulations) specify user fees for services provided by the Animal and Plant Health Inspection Service (APHIS) for animals and birds, animal products, germ plasm, and organisms and vectors. We have reviewed the regulations and found some obsolete, redundant, and confusing items. We are updating and clarifying the regulations as explained below to resolve these problems. These editorial changes will not change the user fee rates.

**Animal Quarantine Facilities**

Section 130.2 of the regulations lists the user fees which must be paid for each animal or bird quarantined in an APHIS-owned or -operated animal import center or other quarantine facility. The current title, "User fees for individual animals and certain birds quarantined in APHIS Animal Import Centers," implies that our charges are

limited to those quarantine facilities specifically defined as animal import centers in 9 CFR 130.1. In order to clarify that APHIS' user fees apply at all APHIS-owned or -supervised animal quarantine facilities, we are changing the title of § 130.2 to "User fees for individual animals and certain birds quarantined in APHIS-owned or -operated animal quarantine facilities, including APHIS Animal Import Centers."

**User Fees Along the United States-Mexico Border**

Section 130.6 of the regulations lists user fees for import or entry services for live animals at land border ports along the United States-Mexico border. The categories for the different types of live animals are: feeder; slaughter; horses, other than slaughter; in-bond or in transit; and any ruminants not covered by the other categories listed. There has been some confusion among persons who receive services as to which category applies to breeder ruminants, such as breeding cattle. Breeder ruminants fall under the category of "Any ruminants not covered above." To clarify this, we are amending § 130.6 by specifically adding breeder ruminants in the category of any ruminant not covered by the other categories listed.

**Pet Bird User Fees**

Section 130.8 of the regulations lists user fees for services that are not specifically addressed elsewhere in part 130. This list includes fees for pet birds, except pet birds of U.S. origin entering the United States from Canada. Section 130.10 lists the user fees for pet birds quarantined in APHIS-owned or -supervised quarantine facilities. We are consolidating all pet bird user fees into § 130.10. Moving the fees pertaining to pet birds from § 130.8 into § 130.10 will make it easier to find all the pet bird user fees. We are also changing the title of § 130.10 to "User fees for pet birds."

**Endorsing Export Health Certificates**

Section 130.20 of the regulations lists the user fees we charge for endorsing export health certificates. The section currently lists user fees for endorsing certificates for various animals and animal products. It also has a user fee for "Other endorsements or certifications." There has been confusion as to which user fee applies for certifications for nonanimal products. For example, if requested, we endorse export health certificates for grain shipments to certify that the grain shipments are free from specified diseases. We currently charge the same user fee—the "Animal products" fee—

for endorsing an export health certificate for a nonanimal product as we do for endorsing a certificate for an animal product. Therefore, we are amending § 130.20 to clarify this by changing the user fee category "Animal products" to read "Animal and nonanimal products."

The user fees listed in § 130.20 are broken down into two categories. In § 130.20, paragraph (a) lists user fees for endorsing export health certificates that do not require verification of tests or vaccinations; § 301.20(b)(1) lists user fees for endorsing export health certificates that do require verification of tests or vaccinations. Among the user fees listed in § 130.20(a) is a fee for endorsing export health certificates for "nonslaughter horses to Canada." Nonslaughter horses being moved to Canada require only one test. However, that test needs to be verified. Therefore, we are amending § 130.20 to move the user fee for "nonslaughter horses to Canada" from § 130.20(a) to § 130.20(b)(1).

**Miscellaneous**

We are also making other miscellaneous, nonsubstantive changes throughout part 130 that will make it easier to look up user fee rates and related information.

**Effective Date**

This rule makes nonsubstantive changes to the Veterinary Services user fee regulations for clarity and consistency. Because the changes contained in this rule are nonsubstantive in nature, notice and other public procedure on this rule are unnecessary and contrary to the public interest. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule does not make a substantive change in the regulations, it is exempt from the provisions of Executive Orders 12866 and 12988. Finally, this action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601) and, thus, is exempt from the provisions of that Act.

**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: (1) Preempts all State and local laws and regulations that are inconsistent 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 final 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 130**

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, we are amending 9 CFR part 130 as follows:

**PART 130—USER FEES**

1. The authority citation for part 130 continues to read as follows:

**Authority:** 5 U.S.C. 5542; 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114, 114a, 134a, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 130.2, the section heading is revised to read as follows:

**§ 130.2 User fees for individual animals and certain birds quarantined in APHIS-owned or -operated animal quarantine facilities, including APHIS Animal Import Centers.**

\* \* \* \* \*

3. In § 130.6, in the table in paragraph (a), the entry for “Any ruminants not covered above” is revised to read as follows:

**§ 130.6 User fees for import or entry services for live animals at land border ports along the United States-Mexico border.**

(a) \* \* \*

Type of live animal	User fee (per head)
* * *	* *
Any ruminants (including breeder ruminants) not covered above .....	6.00

\* \* \* \* \*

**§ 130.8 [Amended]**

4. In § 130.8, the table in paragraph (a) is amended by removing the entire entry for pet birds.

5. Section 130.10 is amended as follows:

a. The section heading is revised to read as set forth below.

b. Paragraphs (a) through (c) are redesignated as paragraphs (b) through (d), respectively.

c. A new paragraph (a) is added to read as set forth below.

d. Footnote 4 in the redesignated paragraph (b) is removed.

**§ 130.10 User fees for pet birds.**

(a) User fees for pet birds of U.S. origin returning to the United States, except pet birds of U.S. origin returning from Canada, are as follows:

(1) \$71.25 per lot if the birds have been out of the United States for 60 days or less;

(2) \$169.75 per lot if the birds have been out of the United States for more than 60 days.

\* \* \* \* \*

**§ 130.14 [Amended]**

6. In § 130.14, footnote 5 is redesignated as footnote 4.

7. Section 130.20 is amended as follows:

a. In paragraph (a), footnote 6 is redesignated as footnote 5.

b. In paragraph (a), the table is revised to read.

c. In paragraph (b)(1), the table is revised to read as follows:

**§ 130.20 User fees for endorsing export health certificates.**

(a) \* \* \*

Certificate categories	User fee
Slaughter animals (except poultry) moving to Canada or Mexico .....	\$24.50
Poultry, including slaughter poultry .....	21.00
Hatching eggs .....	21.00
Animal and nonanimal products	21.50
Other endorsements or certifications .....	16.50

(b)(1) \* \* \*

Number of tests/vaccinations	Animals or birds on certificate	User fee
1–2 .....	Nonslaughter horses to Canada. Other animals or birds: First animal ..	\$26.25 52.50
	Each additional animal.	3.00
3–6 .....	First animal .....	64.75
	Each additional animal.	5.00

Number of tests/vaccinations	Animals or birds on certificate	User fee
7 or more .....	First animal .....	75.75
	Each additional animal.	6.00

\* \* \* \* \*

**§ 130.50 [Amended]**

8. In § 130.50, paragraph (b)(3)(i), in the table, the first entry is amended by adding the words “or 7 CFR 354.3” immediately after “§ 97.1(a)”.

Done in Washington, DC, this 29th day of November 1999.

**Bobby R. Acord,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 99–31370 Filed 12–2–99; 8:45 am]

BILLING CODE 3410–34–P

**NUCLEAR REGULATORY COMMISSION****10 CFR Part 72**

RIN 3150–AG36

**List of Approved Spent Fuel Storage Casks: (VSC–24) Revision, Delay of Effective Date**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule: Delay of effective date.

**SUMMARY:** On September 22, 1999 (64 FR 51187), the NRC published a direct final rule amending its regulations to revise the Pacific Sierra Nuclear Associates (PSNA) VSC–24 cask listing within the “List of Approved Spent Fuel Storage Casks” to include Amendment No. 1 to the Certificate of Compliance. The direct final rule was to have become effective December 6, 1999, absent significant adverse comments. The NRC is delaying the effective date of this action for 30 days to allow it sufficient time to consider the issues raised by public comment.

**EFFECTIVE DATE:** The effective date of this final rule has been extended to January 5, 2000.

**FOR FURTHER INFORMATION CONTACT:** Stan Turel, telephone (301) 415–6234, e-mail spt@nrc.gov.

Dated at Rockville, Maryland, this 29th day of November, 1999.

For the Nuclear Regulatory Commission.

**Annette Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 99–31374 Filed 12–2–99; 8:45 am]

BILLING CODE 7590–01–P