

**Impact and Implementation**

The change in the coverage of the New York locality pay area will affect about 2,300 Federal white-collar employees of the Department of Justice, the Department of Defense, and the Department of Veterans Affairs stationed at McGuire AFB or Fort Dix, at an annual cost of about \$8 million.

**Waiver of Notice of Proposed Rulemaking**

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Also pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists for making this rule effective in less than 30 days. This notice is being waived and the regulation is being made effective in less than 30 days because the joint base goes into effect on October 1, 2009, and it will have an undesirable effect on base management to delay the implementation of a common locality pay rate for all employees on the base.

**E.O. 12866, Regulatory Review**

The Office of Management and Budget has reviewed this rule in accordance with E.O. 12866.

**Paperwork Reduction Act**

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13.

**Regulatory Flexibility Act**

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

**List of Subjects in 5 CFR Part 531**

Government employees, Law enforcement officers, Wages.

**John Berry,**  
*Director, U.S. Office of Personnel Management.*

■ Accordingly, OPM amends 5 CFR part 531 as follows:

**PART 531—PAY UNDER THE GENERAL SCHEDULE**

■ 1. The authority citation for part 531 continues to read as follows:

**Authority:** 5 U.S.C. 5115, 5307, and 5338; sec. 4 of Public Law 103-89, 107 Stat. 981; and E.O. 12748, 56 FR 4521, 3 CFR, 1991 Comp., p. 316; Subpart B also issued under 5 U.S.C. 5303(g), 5305, 5333, 5334(a) and (b), and 7701(b)(2); Subpart D also issued under 5 U.S.C. 5335 and 7701(b)(2); Subpart E also issued under 5 U.S.C. 5336; Subpart F also issued under 5 U.S.C. 5304 and 5305; E.O.

12883, 58 FR 63281, 3 CFR, 1993 Comp., p. 682; and E.O. 13106, 63 FR 68151, 3 CFR, 1998 Comp., p. 224.

**Subpart F—Locality-Based Comparability Payments**

■ 2. In § 531.603, paragraph (b)(20) is revised to read as follows:

**§ 531.603 Locality pay areas.**

\* \* \* \* \*

(b) \* \* \*

(20) New York-Newark-Bridgeport, NY-NJ-CT-PA—consisting of the New York-Newark-Bridgeport, NY-NJ-CT-PA CSA, plus Monroe County, PA, Warren County, NJ, and all of Joint Base McGuire-Dix-Lakehurst;

\* \* \* \* \*

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**DEPARTMENT OF HOMELAND SECURITY**

**Office of the Secretary**

**6 CFR Part 37**

[Docket No. DHS-2006-0030]

RIN 1601-AA37

**Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes**

**AGENCY:** Office of the Secretary, DHS.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Department of Homeland Security's REAL ID regulations, States seeking an extension of the date by which they must begin to comply with REAL ID requirements currently must submit a request for extension by October 11, 2009. This final rule changes that date to December 1, 2009.

**DATES:** This rule is effective September 28, 2009.

**FOR FURTHER INFORMATION CONTACT:** Steve Kozar, Office of State-Issued Identification Support, Screening Coordination Office, Department of Homeland Security, Washington, DC 20528 (202) 447-3368.

**SUPPLEMENTARY INFORMATION:**

**I. Analysis of This Final Rule**

The REAL ID Act of 2005 (the Act)<sup>1</sup> prohibits Federal agencies, effective

<sup>1</sup> Division B—REAL ID Act of 2005, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13m 119 Stat. 231, 302 (May 11, 2005) (codified at 49 U.S.C. 30301 note).

May 11, 2008, from accepting a driver's license or personal identification card for any official purpose unless the license or card has been issued by a State that is meeting the requirements set forth in the Act. The Act sets forth certain minimum standards applicable to the driver's license issuance process. Section 205(b) of the REAL ID Act authorizes the Secretary of Homeland Security to grant States extensions of time to meet the requirements of the Act if the State provides adequate justification for noncompliance.

On January 29, 2008, DHS promulgated a final rule implementing the requirements of the Act. See 73 FR 5272; also 6 CFR part 37. The final rule, pursuant to the Secretary's authority under § 205(b) of the REAL ID Act, extended the original compliance date from May 11, 2008 to January 1, 2010, for each State that timely filed a request for extension. All States timely filed the required requests for extensions and were granted an extension of the compliance date. The final rule further provided that any State requiring an extension of the compliance date must submit a request for such an extension to DHS no later than October 11, 2009, and include with that submission a material compliance checklist demonstrating that the State has met certain compliance milestones. See 6 CFR 37.63.

DHS has determined that additional time is warranted for States to submit a request for an additional extension. Accordingly, under this final rule, DHS is revising the regulatory text at 6 CFR 37.63(b) to change the deadline by which States must file a request for an extension of the compliance date from October 11, 2009 to December 1, 2009.

**II. Regulatory Analyses**

*A. Administrative Procedure Act*

This final rule addresses requirements that are procedural in nature. This rule does not change the January 1, 2010 compliance date—the date by which States must begin to issue licenses and identification cards that are in compliance with the standards and requirements under the REAL ID Act and regulations—but merely changes the date by which States may seek a further extension of that deadline. This rule, therefore, does not alter the substantive rights of, nor impose new requirements on, any State or individual. This final rule, therefore, is exempt from notice and comment requirements under 5 U.S.C. 553(b)(A). For the same reason, under 5 U.S.C. 553(d)(3), this rule is effective

immediately upon publication in the **Federal Register**.

*B. Executive Order 12866 (Regulatory Planning and Review)*

This final rule is not a “significant regulatory action” under section 3(f)(1) of Executive Order 12866, “Regulatory Planning and Review,” therefore the Office of Management and Budget has not reviewed this rule. DHS anticipates that the changed filing deadline in this final rule will not increase REAL ID-related compliance costs to the affected entities and, in most cases, will provide advantages by changing the filing deadline.

*C. Regulatory Flexibility Act*

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), requires Federal agencies to consider the potential impact of regulations on small businesses, small governmental jurisdictions, and small organizations during the development of their rules. This final rule, however, makes changes for which notice and comment are not necessary. Accordingly, DHS is not required to prepare a regulatory flexibility analysis. 5 U.S.C. 603, 604.

*D. Paperwork Reduction Act*

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

*E. Executive Order 13132 (Federalism)*

A rule has implications for federalism under Executive Order 13132, “Federalism,” if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

*F. Unfunded Mandates Reform Act*

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Unfunded Mandates Reform Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. This final rule will not result in such an expenditure.

*G. Executive Order 13175 (Tribal Consultation)*

This rule does not have tribal implications under Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments,” because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

*H. Executive Order 13211 (Energy Impact Analysis)*

We have analyzed this rule under Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.” We have determined that it is not a “significant energy action” under that Order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

**List of Subjects in 6 CFR Part 37**

Document security, driver’s licenses, identification cards, incorporation by reference, motor vehicle administrations, physical security.

**The Amendments**

- For the reasons set forth above, the Department of Homeland Security amends 6 CFR part 37 as follows:

**TITLE 6—DOMESTIC SECURITY**

**CHAPTER I—DEPARTMENT OF HOMELAND SECURITY, OFFICE OF THE SECRETARY**

**PART 37—REAL ID DRIVER’S LICENSES AND IDENTIFICATION CARDS**

- 1. The authority citation for part 105 continues to read as follows:

**Authority:** 49 U.S.C. 30301 note; 6 U.S.C. 111, 112.

**§ 37.63 [Amended]**

- 2. Amend § 37.63(b) by removing the date “October 11, 2009” and adding in its place the date “December 1, 2009”.

**Janet Napolitano,**

*Secretary.*

[FR Doc. E9–23381 Filed 9–25–09; 8:45 am]

**BILLING CODE 9110–9M–P**

**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**7 CFR Part 354**

[Docket No. APHIS–2009–0055]

**Commuted Traveltime**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations concerning overtime services provided by employees of the Agency’s Plant Protection and Quarantine (PPQ) program by adding or amending commuted traveltime allowances for travel between certain locations in the District of Columbia, Florida, Illinois, and Minnesota. Commuted traveltime allowances are the periods of time required for PPQ 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 PPQ 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.

**DATES:** *Effective Date:* September 28, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ms. Terri Burrell, Director, Resource Management Staff, PPQ, APHIS, 4700 River Road Unit 120, Riverdale, MD 20737–1238; (301) 734–5575.

**SUPPLEMENTARY INFORMATION:**

**Background**

The regulations in 7 CFR, chapter III, require inspection, certification, or quarantine of certain 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 the Animal and Plant Health Inspection Service (APHIS) on a Sunday or holiday, or at any other time outside the employee’s regular duty hours, the Government charges a fee for the services in accordance with 7 CFR part 354 for services provided by an employee of APHIS’ Plant Protection and Quarantine (PPQ) program. Under circumstances described in 7 CFR 354.1(a)(2), this fee may include the cost of commuted traveltime. The regulations in 7 CFR 354.2 contain administrative instructions prescribing commuted traveltime allowances, which