

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 97-113-2]

#### Mexican Fruit Fly Regulations; Addition of Regulated Area

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

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the Mexican fruit fly regulations by adding California to the list of quarantined States and by designating a portion of Los Angeles County, CA, as a regulated area. The interim rule was necessary on an emergency basis to prevent the spread of the Mexican fruit fly to noninfested areas of the United States. The interim rule also restricted the interstate movement of regulated articles from the regulated area in California.

**EFFECTIVE DATE:** The interim rule was effective on November 10, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-8247; or e-mail: [mstefan@aphis.usda.gov](mailto:mstefan@aphis.usda.gov).

#### SUPPLEMENTARY INFORMATION:

#### Background

In an interim rule effective November 10, 1997, and published in the **Federal Register** on November 17, 1997 (62 FR 61213-61215, Docket No. 97-113-1), we amended the Mexican fruit fly regulations (contained in 7 CFR 301.64 through 301.64-10) by adding California to the list of quarantined States in § 301.64(a) and by designating a portion

of Los Angeles County, CA, as a regulated area in § 301.64-3(c). The interim rule was necessary on an emergency basis to prevent the spread of the Mexican fruit fly to noninfested areas of the United States. The interim rule also restricted the interstate movement of regulated articles from the regulated area in California.

Comments on the interim rule were required to be received on or before January 16, 1998. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Incorporation by reference, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

#### PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR 301 and that was published at 62 FR 61213-61215 on November 17, 1997.

**Authority:** 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 9th day of March 1998.

**Charles P. Schwalbe,**

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

[FR Doc. 98-6589 Filed 3-13-98; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 94

[Docket No. 97-084-2]

#### Change in Disease Status of the Dominican Republic Because of Hog Cholera

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

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the regulations governing the importation of swine, pork, and pork products by removing the Dominican Republic from the list of regions in which hog cholera is not known to exist. We took this action based on reports we received from the Dominican Republic's Ministry of Agriculture that an outbreak of hog cholera had occurred in the Dominican Republic. As a result of this action, there are additional restrictions on the importation of pork and pork products into the United States from the Dominican Republic, and the importation of swine from the Dominican Republic is prohibited.

**EFFECTIVE DATE:** The interim rule was effective on August 4, 1997.

**FOR FURTHER INFORMATION CONTACT:** Dr. John Cougill, Senior Staff Veterinarian, Products Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737-1231, (301) 734-3399.

#### SUPPLEMENTARY INFORMATION:

#### Background

In an interim rule effective August 4, 1997, and published in the **Federal Register** on August 18, 1997 (62 FR 43924-43925, Docket No. 97-084-1), we amended the regulations governing the importation into the United States of pork, pork products, and swine by removing the Dominican Republic from the lists in §§ 94.9(a) and 94.10(a) of regions in which hog cholera is not known to exist.

Comments on the interim rule were required to be received on or before October 17, 1997. We received one comment by that date. The comment was from a meat processing facility

located in the Dominican Republic. The commenter proposed changes to § 94.9 pertaining to the importation of pork and pork products from regions in which hog cholera is known to exist. We are considering the suggestions made by the commenter. If we decide to amend § 94.9 as suggested, we will publish a proposal in the **Federal Register**. The commenter did not dispute the determination that an outbreak of hog cholera has occurred in the Dominican Republic. Therefore, the facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Orders 12866 and 12988 and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

#### **Regulatory Flexibility Act**

This rule affirms an interim rule that amended the regulations in 9 CFR part 94 by removing the Dominican Republic from the list of regions in which hog cholera is not known to exist. We took this action based on a report by the Dominican Republic's Ministry of Agriculture that an outbreak of hog cholera had occurred in that country. As a result of the interim rule, the importation of swine from the Dominican Republic is prohibited, and pork and pork products from the Dominican Republic are not eligible for entry into the United States unless cooked or cured and dried in accordance with the regulations.

To comply with the Regulatory Flexibility Act, we considered this rule's likely economic impact on small entities. The entities likely to be impacted by the removal of the Dominican Republic from the list of regions in which hog cholera is not known to exist are entities that either produce or import swine or swine products.

The impact of the interim rule on U.S. producers of swine in general is expected to be minimal because the swine industry of the Dominican Republic is small compared to the enormous U.S. market. In 1996, pig stocks in the Dominican Republic totaled 950,000 head, whereas pig stocks in the United States totaled more than 58 million head. No live pigs were exported from the Dominican Republic to the United States in 1996, and exports of swine germ plasm are very limited.

The Small Business Administration's (SBA) definition of a "small entity" in the production of swine is an entity whose sales total less than \$0.5 million annually. The vast majority (96.3 percent in 1992) of U.S. swine producers qualify as small entities. However, as discussed above, the impact on these producers should be minimal.

The effect of the interim rule on the importation of pork in general should be minimal as well. The Dominican Republic produces limited amounts of pork; in 1996, the Dominican Republic produced 62,000 metric tons of pork products, which is less than 1 percent of U.S. production. The United States is the second largest pork producer in the world, following only China. Declining farm numbers (but almost stable production), persistent competitive pressure on producers to adopt least-cost production methods, competitive pork prices relative to other meats, and a declining U.S. trade deficit in pork are indicators that U.S. pork producers hold a strong comparative advantage in pork production with respect to most countries in the world. The United States expanded its pork exports by more than nine times from 1986 to 1995 to reach 263,895 metric tons; at the same time, the United States decreased its pork imports by approximately 36 percent to 274,415 metric tons in 1995. Of the decreasing quantity of pork imports that do come into the United States, the majority come from Canada, which accounted for nearly 75 percent of U.S. pork imports in 1996.

The SBA's guidelines state that a "small" producer of fresh pork, part of Standard Industrial Classification (SIC) 2011, meat packing plants, or of sausages and other processed meats, SIC 2013, is one employing fewer than 500 workers. Establishments that conduct slaughtering activities, exclusively, as well as establishments that conduct both slaughtering and processing activities are included in SIC 2011. In 1992, 97 percent of 1,367 meat packing establishments in SIC 2011 in the United States were small. These plants accounted for approximately 40 percent of the \$50.4 billion total value of pork produced by the industry. That year, 86 establishments were classified as strictly working with fresh, processed, and cured pork, and these establishments accounted for 26 percent of the total value of pork produced. Of 1,264 establishments in SIC 2013 in 1992, 98 percent were small. These producers accounted for 84 percent of the total value of pork produced by the industry, \$19.97 billion. In addition, there were

121 operations classified as producing processed or cured pork products in SIC 2013, and these operations accounted for 21 percent of the total value of pork production of this industry. However, the rule should lead to, at most, a minimal change in the importation of fresh pork products and, therefore, will have a minimal impact on small or large domestic producers of pork products.

The Dominican Republic is a significant source of mixed-sausage (sausage that contains some pork) imports into the United States, supplying 621 metric tons of a total 1,751 metric tons imported in 1996. However, this supply of sausage should not be altered by this rule change. All of the sausage that was imported into the United States in 1996 from the Dominican Republic was cooked, and labels placed on the sausage, as well as on cooked salami, at the exporting plants show that these products are cooked in accordance with U.S. Department of Agriculture regulations. Therefore, these products would remain eligible to be imported into the United States. With regard to other pig products, the Dominican Republic is a minor producer in the world market, and, therefore, an abundance of alternative sources are available to importers.

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.

#### **List of Subjects in 9 CFR Part 94**

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

#### **PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS**

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 94 and that was published at 62 FR 43924-43925 on August 18, 1997.

**Authority:** 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 9th day of March 1998.

**Terry L. Medley,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 98-6588 Filed 3-13-98; 8:45 am]

BILLING CODE 3410-34-P

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 115

#### Surety Bond Guarantees; Pilot Preferred Surety Bond Guarantee Program

**AGENCY:** Small Business Administration.

**ACTION:** Final rule.

**SUMMARY:** This rule revises 13 CFR part 115 to conform it to Section 503 of the Small Business Reauthorization Act of 1997 which was approved on December 2, 1997. This Act extends the period of the Pilot Preferred Surety Bond (PSB) Guarantee Program to September 30, 2000. Since this rule only implements the cited statute, it is published in final form without opportunity to comment.

**DATES:** Effective March 16, 1998.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Moffitt, Associate Administrator, Office of Surety Guarantees, (202) 205-6540.

**SUPPLEMENTARY INFORMATION:** Since this rule only extends the period of the Pilot PSB Program from September 30, 1997, to September 30, 2000, and makes no substantial change to the current regulation, SBA is not required to determine if this change constitutes a major rule for purposes of Executive Order 12291, to determine if it has a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act (5 U. S. C. 601 et seq), or to do a Federalism Assessment pursuant to Executive Order 12612. SBA certifies that these changes will not impose an annual record keeping or reporting requirement on 10 or more persons under the Paperwork Reduction Act (44 U. S. C. ch. 35). Finally, for purposes of E. O. 12778, SBA certifies that this rule, is drafted, to the extent practicable, in accordance with standards set forth in Section 2 of that order.

SBA is publishing this regulation as a final rule without opportunity for public comment pursuant to 5 U. S. C. 553 (b) (A).

#### List of Subjects in 13 CFR Part 115

Claims, Small businesses, Surety bond.

For the reasons set forth above, part 115 of Title 13, Code of Federal

Regulations (CFR) is amended as follows.

### PART 115—SURETY BOND GUARANTEES

1. The Authority citation for Part 115 is revised to read as follows:

**Authority:** 5 U. S. C. app 3; 15 U.S.C. 687b, 687c, 694a, 694b; Pub. L 105-135.

2. Amend § 115.61 by removing the date "1997" both times it appears, and replacing it with the date "2000".

Dated: February 27, 1998.

**Aida Alvarez,**  
*Administrator.*

[FR Doc. 98-6677 Filed 3-13-98; 8:45 am]

BILLING CODE 8025-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-CE-124-AD; Amendment 39-10391; AD 98-06-13]

RIN 2120-AA64

#### Airworthiness Directives; Dornier Luftfahrt GmbH Models 228-100, 228-101, 228-200, and 228-201 Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to all Dornier Luftfahrt GmbH (Dornier) Models 228-100, 228-101, 228-200, and 228-201 airplanes equipped with certain main landing gear (MLG). This action requires replacing the MLG axle assembly with an MLG axle assembly of improved design. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified in this AD are intended to prevent main landing gear failure, which, if not corrected, could result in loss of control of the airplane during landing operations.

**DATES:** Effective June 15, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 15, 1998.

Comments for inclusion in the Rules Docket must be received on or before April 13, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation

Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-124-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Dornier Luftfahrt GmbH, Product Support, P.O. Box 1103, D-82230 Wessling, Federal Republic of Germany; telephone: (08153) 300; facsimile: (08153) 302985. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-124-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Karl M. Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6934; facsimile: (816) 426-2169.

#### SUPPLEMENTARY INFORMATION:

#### Events Leading to the Issuance of This AD

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified the FAA that an unsafe condition may exist on all Dornier Models 228-100, 228-101, 228-200 and 228-201 airplanes equipped with MLG axle assemblies that have part numbers (P/N) A-511000D00F, A-521000D00F, A-511000E00F, and A-521000E00F, or FAA-approved equivalent part numbers. The LBA has received two incident reports of failed MLG axles. The investigation of these reports reveals that extreme operating loads will fatigue these MLG axles, which can lead to cracking and failure. These fatigue cracks are a result of manufacturing defects (grooves) along the inside radius of the axle. This condition, if not corrected, could result in loss of control of the airplane during landing operations.

#### Relevant Service Information

Dornier has issued Service Bulletin No. SB-228-214, dated January 28, 1994, which specifies procedures for removing the MLG axle assembly (P/N's A-511000D00F, A-521000D00F, A-511000E00F, and A-521000E00F), and installing a new MLG axle assembly of improved design.

The LBA classified this service bulletin as mandatory and issued German AD 94-042 Dornier, dated February 9, 1994, in order to assure the continued airworthiness of these airplanes in Germany.