

Rules and Regulations

Federal Register

Vol. 63, No. 71

Tuesday, April 14, 1998

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 130

[Docket No. 96-089-2]

Import/Export User Fees; Exemptions

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 user fee regulations to provide that user fees are not charged for veterinary diagnostic services in the following cases: When veterinary diagnostic services are provided in connection with Federal programs to control or eradicate diseases or pests of livestock or poultry in the United States (program diseases) or in support of zoonotic disease surveillance when there is a significant risk to human health; and when veterinary diagnostic reagents are distributed within the United States for testing for foreign animal diseases. In addition, we eliminated the user fee for export health certificates that are requested and reviewed, but not endorsed. We made these changes to eliminate confusion, clarify when certain user fees apply, and eliminate an unnecessary user fee.

EFFECTIVE DATE: The interim rule was effective on November 7, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Ford, Section Head, Financial Systems and Services Branch, Budget and Accounting Division, M&B, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737-1232, (301) 734-8351.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective November 7, 1997, and published in the **Federal**

Register on November 14, 1997 (62 FR 61005-61007, Docket No. 96-089-1), we amended 9 CFR part 130 (the regulations) to provide that user fees would not be charged for veterinary diagnostic services listed in §§ 130.14 through 130.18 in the following cases: (1) When veterinary diagnostic services are provided in connection with Federal programs to control or eradicate diseases or pests of animals in the United States (program diseases) or in support of zoonotic disease surveillance when there is a significant risk to human health; and (2) when veterinary diagnostic reagents are distributed within the United States for testing for foreign animal diseases. In addition, we eliminated the user fee listed in § 130.20(d) for export health certificates that are requested and reviewed, but not endorsed.

Comments on the interim rule were required to be received on or before January 13, 1998. We received one comment by that date. The commenter supported the interim rule as written and requested a clarification of the policy.

In the interim rule, we explained that veterinary diagnostics is the work performed in a laboratory to determine if a disease-causing organism or chemical agent is present in body tissues or cells and to identify those organisms or agents. We also explained that we provide veterinary diagnostic services in support of zoonotic disease¹ surveillance. Occasionally, there are zoonotic diseases that pose a significant threat to human health, and a thorough knowledge of the prevalence of the disease in animals will directly benefit control of the disease in humans. In these cases, the cost of the testing related to the zoonotic disease surveillance is covered by appropriated funds.² Therefore, we amended our regulations to state that user fees are not charged for veterinary diagnostic services provided in support of zoonotic disease surveillance when the

¹ Zoonotic diseases are those that affect both animals and humans and are communicable from animals to humans. Examples of zoonotic diseases are anthrax, brucellosis, leptospirosis, rabies, salmonellosis, tuberculosis, and vesicular stomatitis.

² At this time, salmonellosis is the only zoonotic disease that falls into this category, and user fees are not charged for the salmonella testing that will provide direct benefit to control of disease in humans. User fees are charged for other salmonellosis testing.

Administrator has determined that there is a significant threat to human health (§ 130.49(a)(3)).

The commenter requested a clarification of our user fee policy for chemical agent testing by the Animal and Plant Health Inspection Service. Specifically, the commenter asked whether user fees would be waived for chemical residue testing in quality assurance programs or when there is an accidental pesticide or other chemical contamination of animals which could cause human illness.

Zoonotic diseases are caused by infectious agents, not chemical agents. For this reason, chemical residue testing in quality assurance programs would not be exempt from user fees. Likewise, toxicologic tests conducted in response to an accidental pesticide or other chemical contamination of animals would not be considered surveillance for a zoonotic disease and would not be exempt from user fees.

Therefore, based on the rationale set forth in the interim rule and in this document, we are affirming the provisions of the interim rule as a final rule without change.

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 9 CFR Part 130

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

PART 130—USER FEES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 130 and that was published at 62 FR 61005-61007 on November 14, 1997.

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, 134b, 134c, 134d, 134f, 135, 136, and 136a; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 8th day of April 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-9789 Filed 4-13-98; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-291-AD; Amendment 39-10465; AD 98-08-16]

RIN 2120-AA64

Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Saab Model SAAB SF340A and 340B series airplanes, that requires a one-time inspection to detect discrepancies of the flight idle stop override mechanism, and corrective action, if necessary. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent increased braking distance for landings that require the flight idle stop override, resulting from the combination of failure of the override mechanism and inability of the power levers to be moved below the flight idle position after touchdown.

DATES: Effective May 19, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 19, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S-581.88, Linköping, Sweden. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington

98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Saab Model SAAB SF340A and 340B series airplanes was published in the **Federal Register** on February 5, 1998 (63 FR 5902). That action proposed to require a one-time inspection to detect discrepancies of the flight idle stop override mechanism, and corrective action, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 256 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$15,360, or \$60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44

FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98-08-16 Saab Aircraft AB: Amendment 39-10465. Docket 97-NM-291-AD.

Applicability: Model SAAB SF340A series airplanes, serial numbers -004 through -159 inclusive; and SAAB 340B series airplanes, serial numbers -160 through -379 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent increased braking distance for landings that require the flight idle stop override, resulting from the combination of failure of the override mechanism and inability of the power levers to be moved below the flight idle position after touchdown, accomplish the following:

(a) Within 30 days after the effective date of this AD, perform a one-time inspection of the flight idle stop override mechanism to