

offered by the ETS. The MELAB scores are not acceptable for these occupations.

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Dated: April 27, 1999.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 99-10819 Filed 4-27-99; 4:39 pm]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 93 and 98

[Docket No. 98-102-1]

Limited Ports; Memphis, TN

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: We are amending the animal importation regulations by adding Memphis, TN, to the list of limited ports of entry for semen, embryos, and products of horses, ruminants, and swine. We have determined that this port has inspection facilities for this purpose and that Animal and Plant Health Inspection Service personnel are available to provide service at this location. This action will provide importers with an alternative port of entry for semen, embryos, and products of horses, ruminants, and swine.

DATES: This rule will be effective on June 29, 1999 unless we receive written adverse comments or written notice of intent to submit adverse comments on or before June 1, 1999.

ADDRESSES: Please send your comment and three copies to: [Docket No. 98-102-1], Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Please state that your comment refers to Docket No. 98-102-1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are

available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Dr. Morley H. Cook, Senior Staff Veterinarian, Animals Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231; (301) 734-8686; or e-mail: morley.h.cook@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 93 (referred to below as the regulations) restrict the importation of specified animals and animal products into the United States to prevent the introduction of communicable animal diseases. Subpart C—Horses, §§ 93.300 through 93.326 of the regulations, covers the importation of horses. Section 93.303 designates ports approved for the importation of horses. Section 93.303, paragraph (d), lists limited ports that have inspection facilities for the importation of horses and horse products, such as horse test specimens, that do not appear to require restraint and holding facilities for inspection at the port of entry.

Subpart D—Ruminants, 93.400 through 93.435 of the regulations, covers the importation of ruminants. Section 93.403 designates ports approved for the importation of ruminants. Section 93.403, paragraph (e), lists limited ports that have inspection facilities for the entry of ruminants and ruminant products, such as ruminant test specimens, that do not appear to require restraint and holding inspection facilities for inspection at the port of entry.

Subpart E—Swine, 93.500 through 93.523 of the regulations, covers the importation of swine. Section 93.503 designates ports approved for the importation of swine. Section 93.503, paragraph (e), lists limited ports that have inspection facilities for the entry of swine and swine products, such as swine test specimens, that do not appear to require restraint and holding inspection facilities for inspection at the port of entry.

The regulations in 9 CFR part 98 restrict the importation of certain animal embryos and animal semen. Subpart C—Certain Animal Semen, 98.30 through 98.37 of the regulations, covers the importation of certain animal semen. Section 98.33 designates ports for the importation of certain animal semen. Section 98.33, paragraph (d), lists limited ports that have inspection facilities for the entry of animal semen.

This rule will amend 93.303(d), 93.403(e), 93.503(e), and 98.33(d), in accordance with the procedures explained below under "Dates," by adding Memphis, TN, to the list of limited ports set forth in each of those paragraphs. However, the Memphis, TN, entry in each of the amended paragraphs in part 93 will specify that the port is not designated a limited port for the entry of live animals (98.33 deals only with animal semen). This is because, although the port has inspection facilities and Animal and Plant Health Inspection Service (APHIS) personnel to provide service for the entry of semen, embryos, and products, it does not have adequate facilities for the entry of any live animals covered by the regulations. Other ports already designated in part 93 as limited ports are able to handle some live animals, but not those animals requiring restraint and holding facilities.

Dates

We are publishing this rule without a prior proposal because we view this action as noncontroversial and anticipate no adverse public comment. This rule will be effective, as published in this document, 60 days after the date of publication in the **Federal Register** unless we receive written adverse comments or written notice of intent to submit adverse comments within 30 days of the date of publication of this rule in the **Federal Register**.

Adverse comments are comments that suggest the rule should not be adopted or that suggest the rule should be changed.

If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a document in the **Federal Register** withdrawing this rule before the effective date. We will then publish a proposed rule for public comment. Following the close of that comment period, the comments will be considered, and a final rule addressing the comments will be published.

As discussed above, if we receive no written adverse comments nor written notice of intent to submit adverse comments within 30 days of publication of this direct final rule, this direct final rule will become effective 60 days following its publication. We will publish a document to this effect in the **Federal Register**, before the effective date of this direct final rule, confirming that it is effective on the date indicated in this document.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This rule adds Memphis, TN, to the list of limited ports of entry for semen, embryos, and products of horses, ruminants, and swine. We have determined that Memphis, TN, meets the requirements for being designated as a limited port of entry that has inspection facilities for semen, embryos, and products of horses, ruminants, and swine. However it does not have the facilities necessary to be designated as a port of entry for live animals.

Adding and removing limited ports, according to need, is a continuing program in APHIS. In this case, the designation of Memphis, TN, as a new limited port of entry will facilitate small U.S. importers of semen, embryos, and products of horses, ruminants, and swine in the surrounding area by making it logistically easier for them. Until now, the closest limited ports of entry to Tennessee and the surrounding States were in Chicago, IL, and Toledo, OH, to the north; Atlanta, GA, New Orleans, LA, and Tampa, FL, to the south; and nothing in between.

Memphis, TN, serves as the first point of entry for Federal Express, which is a major international carrier of air freight. By designating Memphis, TN, as a new limited port, U.S. importers of semen, embryos, and products of horses, ruminants, and swine in a broader area of the United States will be connected by air.

This rule will produce no significant budgetary effect on the Federal Government, since APHIS will assign personnel to the port of Memphis, TN, on an "as needed" basis only.

The Regulatory Flexibility Act requires that agencies consider the economic effect of rules on small businesses, organizations, and governmental jurisdictions. Businesses and organizations affected by this addition of a limited port of entry will be livestock producers in the area of Tennessee and the surrounding States. It is not known how many of those entities are small under the U.S. Small Business Administration's standards; however the effects will only be positive due to the closer distance, faster service, and the direct connection with an international air freight carrier.

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.

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 rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict 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 rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects**9 CFR Part 93**

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

9 CFR Part 98

Animal diseases, Imports.

Accordingly, we are amending 9 CFR parts 93 and 98 as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

1. The authority citation for part 93 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

§ 93.303 [Amended]

2. In § 93.303, paragraph (d) is amended by adding "Memphis, Tennessee (no live animals);" immediately after "Puerto Rico;"

§ 93.403 [Amended]

3. In § 93.403, paragraph (e) is amended by adding "Memphis, Tennessee (no live animals);" immediately after "Puerto Rico;"

§ 93.503 [Amended]

4. In § 93.503, paragraph (e) is amended by adding "Memphis, Tennessee (no live animals);" immediately after "Puerto Rico;"

PART 98—IMPORTATION OF CERTAIN ANIMAL EMBRYOS AND ANIMAL SEMEN

5. The authority citation for part 98 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 103–105, 111, 134a, 134b, 134c, 134d, 134f, 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

§ 98.33 [Amended]

6. In § 98.33, paragraph (d) is amended by adding "Memphis, Tennessee;" immediately after "Puerto Rico;"

Done in Washington, DC, this 26th day of April 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–10872 Filed 4–29–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 99–NM–100–AD; Amendment 39–11154; AD 99–09–51]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) 99–09–51 that was sent previously to all known U.S. owners and operators of certain McDonnell Douglas Model MD–11 series airplanes by individual notices. This AD requires visual inspections under the floorboards in the lower center cargo compartment at frame 1681 to verify that a certain bracket and a certain open face nylon clamp are installed to a specific support wire bundle and to detect damage of the subject wire bundle; repair of damaged wiring; and installation of certain silicone rubber coated with a glass cloth protective wrap around the wire bundle, if necessary. This action is prompted by an incident in which the insulation