(b) Any Form LS–51–1 determined invalid shall not be considered as a request for a referendum.

**§ 1220.40 Counting requests.**

The requests for a referendum shall be counted by the COC or designee on the 19th business day after the last business day of the Request for Referendum period. Requests for a referendum shall be counted as follows:

(a) Total number of producers registering to request a referendum;

(b) Number of eligible producers requesting a referendum;

(c) Number of challenged producers deemed ineligible;

(d) Number of challenged producers; and

(e) Number of invalid requests for a referendum.

**§ 1220.41 Public review.**

The public may witness the counting from an area designated by the FSA County Executive Director (CED) or designee, acting on behalf of the Administrator, AMS, but may not interfere with the process.

**§ 1220.42 FSA county office report.**

The county FSA office report shall be certified as accurate and complete by the CED or designee, acting on behalf of the Administrator, AMS. Such report shall include, the information listed in §§ 1220.39 and 1220.40. The county FSA office shall notify the FSA State office of the results of the Request for Referendum on a form provided by the Administrator, FSA. Each county FSA office shall transmit the results in its county to the FSA State office. The results in each county may be made available to the public upon notification by the Administrator, FSA, that the final results have been released by the Secretary. A copy of the report shall be posted for 30 days following the date of notification by the Administrator, FSA, in the county FSA office in a conspicuous place accessible to the public. One copy shall be kept on file in the county FSA office for a period of at least 12 months after notification by FSA that the final results have been released by the Secretary.

**§ 1220.43 FSA State office report.**

Each FSA State office shall transmit to the Administrator, FSA, a report summarizing the data contained in each of the reports from the county FSA office on a State report form provided by the Administrator, FSA. The State FSA office shall maintain one copy of the summary where it shall be available for public inspection upon request for a period of not less that 12 months after the results have been released.

**§ 1220.44 Reporting results.**

(a) The Administrator, FSA, shall submit to the Administrator, AMS, the reports from all State FSA offices. The Administrator, AMS, shall tabulate the results of the Request for Referendum. The Department will issue an official press release announcing the results of the Request for Referendum and publish the same results in the **Federal Register**. Subsequently, State reports and related papers shall be available for public inspection upon request during normal business hours in the Marketing Programs Branch office, Livestock and Seed Program, AMS, USDA, Room 2627 South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC.

(b) If the Secretary deems necessary, a State report or county report shall be reexamined and checked by such persons who may be designated by the Secretary.

**§ 1220.45 Disposition of records.**

Forms LS–51–1 and LS–51–2 and county reports shall be placed in sealed containers under the supervision of the CED or designee, acting on behalf of the Administrator, AMS, and such container shall be marked with ''Request for Soybean Referendum.'' Such records shall remain in the secured custody of the CED or designee for a period of not less than 12 months after the date of notification by the Administrator, FSA, that the final results have been announced by the Secretary. If the county FSA office receives no notice to the contrary from the Administrator, FSA, by the end of the 12 month period, the CED or designee shall destroy the records.

**§ 1220.46 Instructions and forms.**

The Administrator, AMS, is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this subpart.

Dated: August 17, 1999.

**Barry L. Carpenter,**

*Deputy Administrator, Livestock and Seed Program.*

[FR Doc. 99–21672 Filed 8–19–99; 8:45 am]

BILLING CODE 3410–02–P

## DEPARTMENT OF AGRICULTURE

## Animal and Plant Health Inspection Service

## 9 CFR Part 113

**[Docket No. 97–103–2]**

## Viruses, Serums, Toxins, and Analogous Products; Update of Incorporation by Reference for Rabies Vaccine

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

**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations pertaining to the standard requirements for rabies vaccine, killed virus, so that they incorporate the latest edition of a guide to laboratory techniques. The regulations currently refer to the previous edition of that guide, which was published in 1973. This action will ensure that the latest edition of the guide is incorporated by reference and used in conducting potency tests during the production of inactivated (killed) veterinary rabies vaccines.

**EFFECTIVE DATES:** September 20, 1999. The incorporation by reference provided for by this rule is approved by the Director of the Federal Register as of September 20, 1999.

**FOR FURTHER INFORMATION CONTACT:** Dr. David A. Espeseth, Special Assistant to the Deputy Administrator, Veterinary Services, Center for Veterinary Biologics, Licensing and Policy Development, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–1231; (301) 734–8245.

**SUPPLEMENTARY INFORMATION:**

### Background

The regulations in 9 CFR part 113 pertain to standard requirements for the preparation of veterinary biological products. A standard requirement consists of test methods, procedures, and criteria established by the Animal and Plant Health Inspection Service (APHIS) to determine that a veterinary biological product is pure, safe, potent, and efficacious and not worthless, dangerous, contaminated, or harmful.

''Laboratory Techniques in Rabies,'' which is a guide to laboratory

techniques for rabies research and diagnosis and for the production of vaccine and immunoglobulin and which is published by the World Health Organization (WHO), is incorporated by reference into the Code of Federal Regulations at 9 CFR 113.209(b)(1). In 1996, the WHO published a fourth edition of ''Laboratory Techniques in Rabies'' (edited by F.X. Meslin, M.M. Kaplan, and H. Koprowski), but the incorporation by reference in § 113.209(b)(1) still refers to the 1973 third edition of that guide.

On March 4, 1999, we published in the **Federal Register** (64 FR 10400–10402, Docket No. 97–103–1) a proposed rule to amend the regulations in § 113.209(b)(1) so that they refer to the fourth edition of ''Laboratory Techniques in Rabies'' in order for the latest version to be incorporated by reference and used. In that document, we also proposed to update several provisions of the regulations to make them consistent with the guidelines contained in the fourth edition and to ensure that the regulations met the requirements of the Office of the Federal Register regarding the proper language of incorporation.

We solicited comments concerning our proposal for 60 days ending May 3, 1999. We did not receive any comments. Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule, without change.

**Executive Order 12866 and Regulatory Flexibility Act**

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act, we have considered the potential effects of this action on small entities. We have identified four producers of rabies vaccine as the entities potentially affected by this rule. Those producers fall into one of two standard industrial classification (SIC) categories, either SIC 2836 (Biological Products, Except Diagnostic Substances) or SIC 2834 (Pharmaceutical Preparations). According to Small Business Administration (SBA) criteria, a business in SIC 2836 is considered to be a small entity if it has 500 or fewer employees, and a business in SIC 2834 is considered to be a small entity if it has 750 or fewer employees. Under those criteria, none of the four producers identified are small entities.

''Laboratory Techniques in Rabies'' is a guide to laboratory techniques for rabies research and diagnosis and for the production of vaccine and immunoglobulin that is incorporated by reference into the standard requirements regulations in 9 CFR 113.209(b)(1). This rule amends those regulations so that the language used in the guide's incorporation by reference is correct and ensures that the current edition of the guide is incorporated by reference and used.

The testing required under § 113.209(b)(1) will remain the same. However, some retesting may be required due to change in the international standard for the $LD_{50}$ of the challenge dose. We expect that the cost of a retest, which is estimated to be approximately $2,400 for the mice and animal care, will have minimal economic effect on the producers of rabies vaccines, none of which are small entities under SBA criteria.

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 final rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Virus-Serum-Toxin Act does not provide administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

**Paperwork Reduction Act**

This 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 113**

Animal biologics, Exports, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 113 as follows:

## PART 113—STANDARD REQUIREMENTS

1. The authority citation for part 113 continues to read as follows:

**Authority:** 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 113.209, paragraphs (b)(1) and (d)(3) are revised to read as follows:

**§ 113.209 Rabies Vaccine, Killed Virus.**

* * * * *

(b) * * *

(1) The preinactivation virus titer must be established as soon as possible after harvest by at least five separate virus titrations. A mean relative potency value of the vaccine to be used in the host animal potency test must be established by at least five replicate potency tests conducted in accordance with the standard NIH test for potency in chapter 37 of ''Laboratory Techniques in Rabies,'' Fourth Edition (1996), edited by F.X. Meslin, M.M. Kaplan, and H. Koprowski, World Health Organization, Geneva, Switzerland (ISBN 92 4 154479 1). The provisions of chapter 37 of ''Laboratory Techniques in Rabies,'' Fourth Edition (1996), are the minimum standards for achieving compliance with this section and are incorporated by reference. These provisions state that the challenge virus standard to be used as the challenge in the NIH test and the reference vaccine for the test are available from the national control authority. In the United States, that authority is the Animal and Plant Health Inspection Service's Center for Veterinary Biologics Laboratory, located at 1800 Dayton Avenue, P.O. Box 844, Ames, IA 50010; phone (515) 239–8331; fax (515) 239–8673. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the World Health Organization Publications Center USA, 49 Sheridan Avenue, Albany, NY 12210. Copies may be inspected at the Animal and Plant Health Inspection Service, Center for Veterinary Biologics, Licensing and Policy Development, 4700 River Road, Riverdale, MD, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

* * * * *

(d) * * *

(3) *Potency test.* Bulk or final container samples of completed product from each serial must be tested for potency by tests conducted in accordance with the standard NIH test for potency in Chapter 37 of ''Laboratory Techniques in Rabies,'' Fourth Edition

(1996), which is incorporated by reference at paragraph (b)(1) of this section. The relative potency of each serial must be at least equal to that used in an approved host animal immunogenicity test.

Done in Washington, DC, this 13th day of August, 1999.

**Bobby R. Acord,**

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

[FR Doc. 99–21595 Filed 8–19–99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. 99–NE–14–AD; Amendment 39–11257; AD 99–17–09]**

**RIN 2120–AA64**

## Airworthiness Directives; Allison Engine Company, Inc AE 2100A and AE 2100C Series Turboprop Engines

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to Allison Engine Company, Inc AE 2100A and AE 2100C series turboprop engines. This action requires initial and repetitive visual inspections of the propeller gearbox (PGB) and power section (P/S) strut fittings for notches and cracks, and, if necessary, replacement with serviceable parts. In addition, this action requires removing and replacing strut fittings as well as reworking them to the latest configuration identified by a new part number (P/N). This amendment is prompted by reports of P/S strut fitting notches and cracks. The actions specified in this AD are intended to prevent PGB and P/S strut fitting cracks, which could result in PGB misalignment, in-flight engine shutdown, and possible loss of the propeller.

**DATES:** Effective September 7, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of September 7, 1999.

Comments for inclusion in the Rules Docket must be received on or before October 19, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–14AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ane-adcomment@faa.gov''. Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from Rolls-Royce Allison, P.O. Box 420, Speed Code R–01B, Indianapolis, IN 46202–0420; telephone (317) 230–2720, fax (317) 230–3381. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Chung-Der Young, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Des Plaines, IL 60018; telephone (847) 294–7309, fax (847) 294–7834.

**SUPPLEMENTARY INFORMATION:** The Federal Aviation Administration (FAA) has received reports of propeller gearbox (PGB) and power section (P/S) strut fitting failures on Allison Engine Company AE 2100A and AE 2100C series turboprop engine. The investigation revealed small radius notched strut fittings on 90% of the engines inspected. Four of the P/S strut fittings were cracked, and one of the PGB strut fittings was cracked. The notched fittings cause a concentrated stress region that can lead to cracks in the notched strut fitting areas. This condition, if not corrected, could result in PGB and P/S strut fitting cracks, which could result in propeller gearbox misalignment, inflight engine shutdown, and possible loss of the propeller.

The FAA has reviewed and approved the technical contents of Rolls-Royce Alert Service Bulletin (ASB) AE 2100A–A–72–193, also designated AE 2100C–A–72–143, Revision 1, dated October 20, 1998, that describes procedures for visual inspections of PGB and P/S strut fittings for notches and cracks; and ASB AE 2100A–A–72–197, also designated AE 2100C–A–72–149, dated May 19, 1999, describes the procedures to remove and replace strut fittings as well as rework them to the latest configuration identified by a new part number (P/N). Rolls-Royce has acquired the Allison Engine Company and now publishes the service documents (including manuals and bulletins) for Allison engines.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design, this AD is being issued to prevent PGB and P/S strut fitting failures. This AD requires visual inspections of PGB and P/S strut fittings for notches and cracks. If the affected parts are found cracked, this AD requires, prior to further flight, replacement with serviceable parts. If notched fittings are found on both struts, this AD requires repetitive inspections at intervals not to exceed 100 hours time-in-service (TIS). If notched fittings are found on only one strut, the repetitive inspection intervals is 400 hours TIS. In addition, this AD requires removing and replacing strut fittings as well as reworking them to the latest configuration identified by a new P/N. The actions are required to be accomplished in accordance with the ASBs described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenters' ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.