

(5) Such other information as the Agency may request on specific cases.

**§§ 4274.362—4274.372 [Reserved]**

**§ 4274.373 Appeals.**

Any appealable adverse decision made by the Agency which affects the intermediary may be appealed in accordance with USDA appeal regulations found at 7 CFR part 11.

**§§ 4274.374—4274.380 [Reserved]**

**§ 4274.381 Exception authority.**

The Administrator may, in individual cases, grant an exception to any requirement or provision of this subpart which is not inconsistent with any applicable law, provided the Administrator determines that application of the requirement or provision would adversely affect USDA's interest.

**§§ 4274.382—4274.399 [Reserved]**

**§ 4274.400 OMB control number.**

The reporting and recordkeeping requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control number 0570-0021 in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Dated: January 9, 1998.

**Jill Long Thompson,**

*Under Secretary, Rural Development.*

[FR Doc. 98-3044 Filed 2-5-98; 8:45 am]

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**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**9 CFR Part 93**

[Docket No. 97-104-1]

**Specifically Approved States Authorized to Receive Mares and Stallions Imported from Regions Where CEM Exists**

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

**ACTION:** Direct final rule.

**SUMMARY:** We are amending the animal importation regulations by adding Oklahoma to the lists of States approved to receive certain mares and stallions imported into the United States from regions affected with contagious equine metritis (CEM). We are taking this action because Oklahoma has entered into an agreement with the Administrator of the

Animal and Plant Health Inspection Service to enforce its State laws and regulations to control CEM and to require inspection, treatment, and testing of horses, as required by Federal regulations, to further ensure the horses' freedom from CEM. This action relieves unnecessary restrictions on the importation of mares and stallions from regions where CEM exists.

**DATES:** This rule will be effective on April 7, 1998 unless we receive written adverse comments or written notice of intent to submit adverse comments on or before March 9, 1998.

**ADDRESSES:** Please send an original and three copies of any adverse comments or notice of intent to submit adverse comments to Docket No. 97-104-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your submission refers to Docket No. 97-104-1. Submissions received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments and notices are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. David Vogt, Senior Staff Veterinarian, Animals Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1231, (301) 734-8423; or e-mail: [dvogt@aphis.usda.gov](mailto:dvogt@aphis.usda.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The animal importation regulations (contained in 9 CFR part 93 and referred to below as the regulations), among other things, prohibit or restrict the importation of certain animals, including horses, into the United States to protect U.S. livestock from communicable diseases. Section 93.301(c)(1) prohibits the importation of horses into the United States from certain regions where contagious equine metritis (CEM) exists. Section 93.301(c)(2) lists categories of horses that are excepted from this prohibition, including, in § 93.301(c)(2)(vi), horses over 731 days of age imported for permanent entry if the horses meet the requirements of § 93.301(e).

One of the requirements in § 93.301(e) is that mares and stallions over 731 days old imported from regions where CEM exists for permanent entry must be consigned to States listed in § 93.301(h)(6), for stallions, or in

§ 93.301(h)(7), for mares. These States have been approved by the Administrator of the Animal and Plant Health Inspection Service (APHIS) to receive stallions or mares over 731 days of age from a region where CEM exists because the States have entered into a written agreement with the Administrator, APHIS, to enforce State laws and regulations to control CEM, and the States have agreed to quarantine, test, and treat mares and stallions over 731 days of age from a region where CEM exists in accordance with § 93.301(e) of the regulations.

Oklahoma has entered into a written agreement with the Administrator of APHIS and has agreed to comply with all the requirements in § 93.301(e) for importing mares and stallions over 731 days old from regions where CEM exists. This direct final rule will, therefore, add Oklahoma to the list of States in §§ 93.301(h)(6) and (h)(7) approved to receive certain stallions and mares imported into the United States from regions where CEM exists.

**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 notice 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 notice 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.

We anticipate that fewer than 20 mares and stallions over 731 days old will be imported into the State of Oklahoma annually from regions where CEM exists. Approximately 200–300 mares and stallions over 731 days old from regions where CEM exists were imported into approved States in fiscal year 1996. During this same period, approximately 3,243 horses of all classes were imported into the United States from countries other than Canada and Mexico through air and ocean ports; approximately 18,223 horses were imported from Canada; and, approximately 10,079 horses were imported from Mexico.

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 inconsistent 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 in 9 CFR Part 93

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

Accordingly, 9 CFR part 93 is amended 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, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

#### § 93.301 [Amended]

2. Section 93.301 is amended as follows:

a. In paragraph (h)(6), by adding, in alphabetical order, “The State of Oklahoma”.

b. In paragraph (h)(7), by adding, in alphabetical order, “The State of Oklahoma”.

Done in Washington, DC, this 2nd day of February 1998.

**Craig A. Reed,**

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

[FR Doc. 98–3045 Filed 2–5–98; 8:45 am]

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### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97–NM–219–AD; Amendment 39–10309; AD 98–03–17]

RIN 2120–AA64

#### Airworthiness Directives; British Aerospace Model HS 748 Series Airplanes

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

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all British Aerospace Model HS 748 series airplanes. This action requires repetitive inspections to detect discrepancies of the gust locks of the flight control system, re-rigging of the gust lock system; and corrective action, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to detect and correct failure of the flight control gust lock system, which could result in reduced controllability of the airplane.

**DATES:** Effective February 23, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of February 23, 1998.

Comments for inclusion in the Rules Docket must be received on or before March 9, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–219–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from AI(R) American Support, Inc., 13850 McLearn Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 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:** The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on all British Aerospace Model HS 748 series airplanes. The CAA advises that investigation of an incident revealed deficiencies in the rigging of the flight control gust lock system. These deficiencies, if not corrected, could result in failure of the gust lock system, and consequent reduced controllability of the airplane.

#### Explanation of Relevant Service Information

The manufacturer has issued Jetstream Alert Service Bulletin HS748–A27–128, dated December 20, 1996, which describes procedures for two types of repetitive inspections to detect discrepancies of the gust locks of the flight control system; re-rigging of the gust locks is included as part of the second inspection. The alert service bulletin also describes procedures for corrective actions, if necessary. The CAA classified this alert service bulletin as mandatory and issued British airworthiness directive 008–12–96 in order to assure the continued airworthiness of these airplanes in the United Kingdom.