in the **Federal Register** as soon as possible.

Executive Order and Regulatory Flexibility Act

The emergency nature of this action makes it impracticable for the Agency to follow the procedures of Executive Order 12291 and Secretary's Memorandum 1512–1 with respect to this interim rule. In order to encourage participation by poultry owners in a program designed to eradicate lethal avian influenza, immediate action is necessary to establish a mechanism for disposal of and payment for certain poultry and other items.

This emergency situation also makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act impracticable. Since this action may have a significant economic impact on a substantial number of small entities, the Final Regulatory Impact Analysis, if required, will address the issues required in section 604 of the Regulatory Flexibility Act.

List of Subjects in 9 CFR Part 53

Animal diseases, Indemnity payments, Livestock and livestock products, Poultry and poultry products.

Exotic newcastle disease, Foot-and-Mouth disease, Highly pathogenic avian influenza, Pleuropneumonia.

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND CERTAIN OTHER COMMUNICABLE DISEASES OF LIVESTOCK OR POULTRY

Under the circumstances referred to above, 9 CFR Part 53 is amended as follows:

1. In § 53.1 paragraph (f) is revised and new paragraphs (l) and (m) are added to read as follows:

§ 53.1 Definitions

* * * * *

(f) "Disease" means foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or any other communicable disease of livestock or poultry which in the opinion of the Secretary constitutes an emergency and threatens the livestock industry of the country; or any other communicable disease of livestock or poultry referred to in this paragraph:

(1) The communicable disease of poultry presently existing in the States of California, Florida, New Mexico, and Texas and diagnosed as exotic Newcastle-disease, at the time of slaughter, on the basis of clinical or laboratory evidence, by a Veterinary Services employee or representative of the particular State involved.

(2) Lethal avian influenza (a disease of poultry caused by any form of H5 influenza virus that has been determined by the Deputy Administrator, Veterinary Services, to have spread from the 1983 outbreak in poultry in Pennsylvania).

* * * * *

(l) "Bird" means any member of the class aves other than poultry.

(m) "Poultry" means chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl. 2. In § 53.2(b) "(and in the case of exotic Newcastle disease up to 100 percent)" is changed to "(and in the case of exotic Newcastle disease or lethal avian influenza, up to 100 percent)".

Authority: Sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 114, 114a, unless otherwise noted; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 25th day of January, 1984.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 84–2447 Filed 1–25–84; 2:35 pm]

BILLING CODE 3410–34–M

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9 CFR Part 78

[Docket No. 83–121]

Brucellosis in Cattle; Change in Status of Arkansas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of the State of Arkansas from Class B to Class C. This action is necessary because it has been determined that Arkansas meets the standards for Class C but no longer meets the standards for Class B. The effect of this action is to impose more stringent restrictions on the interstate movement of cattle from Arkansas and thereby help prevent the interstate spread of brucellosis.

EFFECTIVE DATE: January 27, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas J. Holt, Cattle Diseases Staff, VS, APHIS, USDA, Room 811, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–5961.

SUPPLEMENTARY INFORMATION:

Background

A document published in the **Federal Register** on August 2, 1983 (48 FR 34943–34944) amended the brucellosis regulations (contained in 9 CFR Part 78) by changing the classification of the State of Arkansas from Class B to Class C. The amendment, which was made effective August 1, 1983, imposed more stringent restrictions on the interstate movement of cattle from Arkansas in order to prevent the interstate spread of brucellosis.

Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of August 2, 1983, still provides a basis for the amendment.

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this action will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived its review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512–1.

This action affirms an interim rule which amends the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of the State of Arkansas from Class B to Class C.

There are approximately 2 million head of cattle in Arkansas distributed among approximately 51,000 herds. The herds range in size from several head to over a thousand head. For purposes of action under the Regulatory Flexibilty Act, most of the cattle producers in Arkansas are considererd to be small entities.

Changing the status of Arkansas from Class B to Class C imposes additional testing requirements on the interstate movement of certain cattle. Records concerning the movement, testing, and

slaughter of cattle indicate that most of the cattle sold at markets in Arkansas remain in Arkansas. Cattle moved interstate from Arkansas are moved for slaughter, for use as breeding stock, or for feeding. Under the regulations, cattle moved interstate for immediate slaughter, or to quarantined feedlots will not be subject to the additional testing requirements. Also, calfhood vaccinates and cattle from Certified Brucellosis-free herds moving interstate are not subject to the additional testing under the regulations.

Although this amendment is extremely significant for helping to prevent the interstate spread of brucellosis, the number of cattle moved interstate from Arkansas which will be affected by this amendment is insignificant compared to the number of cattle moved interstate within the United States.

Under these circumstances, Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a signficant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 78

Animal diseases, Cattle, Quarantine, Transportation, Brucellosis.

Accordingly, the interim rule published at 48 FR 34944, August 2, 1983 is adopted as a final rule.

Authority: Secs. 4, 5, 6, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114a–1, 115, 120, 121, 125, 134b, 134f); 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C. this 24th day of January 1984.

J. K. Atwell,

Deputy Administrator, Veterinary Service.

[FR Doc. 84–2380 Filed 1–26–84; 8:45 am]

BILLING CODE 3410–34–M

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9 CFR Part 94

[Docket No. 83–101]

Change in Disease Status of Chile Because of Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which added Chile to the list in 9 CFR 94.1(a)[2] of countries declared to be free of rinderpest and foot-and-mouth disease and added Chile to the list in 9 CFR 94.11(a) of countries free of rinderpest and foot-and-mouth disease which are subject to special restrictions on the importation of their meat and other animal products into the United States. Chile was not listed as free of rinderpest and foot-and-mouth disease only because it was infected with foot-and-mouth disease. Data furnished to the Department establishes that foot-and-mouth disease has now been eradicated from Chile. This rule allows importation of cattle, sheep, or other ruminants, or swine, or fresh, chilled or frozen meats of such animals into the United States from Chile under certain restrictions.

EFFECTIVE DATE: January 27, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. R. L. Costigan, Import/Export Animals and Products Staff, VS, APHIS, USDA, Room 841, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8499.

SUPPLEMENTARY INFORMATION:

Background

A document published in the **Federal Register** on July 6, 1983 (48 FR 31005–31007) amended 9 CFR Part 94 by adding Chile to the list in § 94.1(a)(2) of countries declared to be free of rinderpest and foot-and-mouth disease and to the list in § 94.11(a) of countries free of rinderpest and foot-and-mouth disease which are subject to special restrictions on the importation of their meat and other animal products into the United States.

The interim rule became effective on the date it was signed, June 29, 1983.

Comments were solicited for 60 days after publication of the amendments. One comment, which was favorable, was received. The factual situation which was set forth in the document of July 6, 1983, still provides a basis for the amendment.

Executive Order 12291

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been determined to be not a "major rule." The Department has determined that this rule will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived its review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512–1.

Certification Under the Regulatory Flexibility Act

Mr. Bert W. Hawkins, 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. It is anticipated that meat and other animal products offered for importation into the United States from Chile will be less than one percent of such products imported into the United States. It is also anticipated that the number of Chilean sheep, cattle, and other ruminants and swine imported into the United States will be negligible.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock and livestock products, Meat and meat products, Milk, Poultry and poultry products, Foot-and-mouth disease, Rinderpest.

Accordingly, the interim rule published at 48 FR 31007, July 6, 1983 is adopted as a final rule.

Authority: Sec. 2, 32 Stat. 792, as amended; sec. 306, 46 Stat. 689, as amended; secs. 4 and 11, 76 Stat. 130, 132; 19 U.S.C. 1306, 21 U.S.C. 111, 134c, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 24th day of January 1984.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 84–2379 Filed 1–26–84; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83–NM–77–AD; Amdt. 39–4799]

Airworthiness Directives; McDonnell Douglas Model DC–10 and KC–10A (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to McDonnell Douglas DC–10 and KC–10A series airplanes. This AD requires the installation of a teflon sleeve in the fuel pump harness conduits on aircraft with over 20,000 flight hours. This

modification is needed to reduce the possibility of electrical wire chafing which may produce holes in the conduits within the tanks. Arcing in the presence of liquid fuel or fuel vapor-air mixture could lead to a fire or explosion.

DATES: Effective March 2, 1984. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or at 4344 Donald Douglas Drive, long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Roy A. McKinnon, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2835.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) requiring installation of teflon sleeves in the fuel pump harness conduits on airplanes with over 20,000 flight hours in accordance with the Accomplishment Instructions of McDonnell Douglas DC–10 Service Bulletin 24–123, Revision 1, dated November 22, 1983, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region, was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (48 FR 37425) dated August 18, 1983. This proposal was prompted by a reported finding of two small holes in a wing tank aft fuel boost pump electrical conduit which had been removed from a high-time airplane. These holes, 5 mils and 15 mils in diameter, were caused both by chafing and by bare-wire electrical arcing to the conduit wall. Based upon inspections of conduits having .020-inch thick teflon inner linings that were removed from a wing also having high-time in service, the manufacturer estimated the normal wear to be approximately 1 mil. Although other incidents of this type have not been reported, the potential fire hazard requires precautionary measures to be taken on airplanes exceeding 20,000 hours.

Interested persons have been afforded an opportunity to participate in the making of this amendment. A total of four comments were received, one from a domestic operator, one from a foreign operator, one from the manufacturer and one from the Air Transport Association (ATA). All comments requested an increase in compliance time from 3000 flight hours to 4000 hours or more (4500 hours by the foreign operator). The domestic operator suggested that the effective date could be established to result effectively in that amount of time. The FAA agrees that an extension of time to 4000 flight hours, or one year, whichever occurs later, will not adversely impact safety. In addtion, the manufacturer suggested additional clarification of the wording in the proposed Ad and issued a telex, DC–10–COM–24/RJM dated 10/21/83, to all DC–10 operators advising them of an error in the original issuance of McDonnell Douglas DC–10 Service Bulletin 24–123. Therefore, accomplishment of the modifications described in McDonnell Douglas DC–10 Service Bulletin 24–123, Revision 1, dated November 22, 1983, constitutes compliance with this AD.

It is estimated that 171 airplanes of U.S. Registry and 22 Military airplanes will be affected by this AD. The cost for parts and labor is estimated to be $267,188 for U.S. operators and $48,950 for military airplanes. For these reasons, the rule is not considered to be a major rule under the criteria of Executive Order 12291. No small entities within the meaning of the Regulatory Flexibility Act will be affected.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require that the rule be adopted as proposed except with the minor changes noted above.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

PART 39—[AMENDED]

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR39.13) is amended by adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnel Douglas Model DC–10 and KC–10A (Military) series airplanes, certificated in all categories. Compliance required as indicated, unless previously accomplished.

To prevent chafing and electrical arcing in fuel tank pump electrical conduits, accomplish the following:

A. Prior to the accumulation of 20,000 hours time in service, or within the next 4000 hours time in service, or one year after the effective date of this AD, whichever occurs later, install teflon tubing in all aft fuel tank pump harness conduits (main tank aft pumps and center wing tank pumps) in accordance with the Accomplishment Instructions in McDonnell Douglas DC–10 Service Bulletin 24–123, Revision 1, dated November 22, 1983, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Prior to the accumulation of 30,000 hours time in service, or within the next 4000 hours time in service, or one year after the effective date of this AD, whichever occurs later, install teflon tubing in all remaining fuel tank pump harness conduits in accordance with the Accomplishment Instructions in McDonnell Douglas DC–10 Service Bulletin 24–123, Revision 1, dated November 22, 1983, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

D. Alternate means of compliance providing an equivalent level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this amendment who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or at 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective March 2, 1984.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model DC–10 and KC–10A series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on January 17, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-2285 Filed 1-26-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-NM-72-AD, Amdt. 39-4798]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires revision to the limitations section in the FAA approved Boeing Model 747 Airplane Flight Manual (AFM) and installation of a LOW N_1 engine rpm caution indication on the pilots' forward panel. The LOW N_1 caution and AFM information are needed to insure engines are not operated below a safe level during icing conditions. Engine operation below this minimum rpm has caused multiple engine thrust loss and engine damage during certain airplane operation in icing conditions.

DATES: Effective March 2, 1984. Compliance schedule as prescribed in the body of the AD.

ADDRESS: The applicable Service Bulletins may be obtained from The Boeing Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Kanji K. Patel, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2973. Mailing Address: Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 (14 CFR Part 39) of the Federal Aviation Regulations to include an AD requiring revision to the limitations section in the FAA approved Model 747 AFM and installation on the pilots' forward panel of LOW N_1 rpm caution indication was published in the **Federal Register** on September 30, 1982 (47 FR 43072). Two additional notices were also published. The first invited the public to meet and present comments and the second reopened and extended the comment period. Interested persons have been afforded the opportunity to participate in the making of this amendment and due consideration has been given to all relevant data and comments provided. A total of thirteen responses were received concerning the proposed rule from the airframe manufacturer, domestic and foreign operators of the affected airplane models, engine manufacturers, and other interested parties. Based on the responses received and upon further review within the FAA, several substantive changes and changes of an editorial and clarifying nature have been made to the proposed rule.

Discussion of Comments

A discussion of the major comments received and the FAA position thereon follows:

Four commenters addressed the definition of icing conditions published in the NPRM. One agreed with the FAA proposed definition of icing conditions while the other three agreed to the changes to the definition proposed by the Air Transport Association (ATA). The ATA considered the FAA definition of icing conditions too restrictive for operators exposed to colder environment since it would have required operation of the anti-icing system during conditions of packed snow where the threat of ingestion is remote. The FAA has agreed with this assessment, and the rule as adopted, has been revised accordingly. The ATA proposed definition of icing conditions also introduced two levels of temperature, 8°C OAT and 10°C TAT for ground and inflight operations, respectively. The FAA does not agree with this change. The FAA considers the standard 10°C, either OAT or TAT, that has been in use for some time is appropriate and that it represents an accepted industry standard. A minor variation like this is also likely to cause improper operation of the anti-ice system, the crew to err, and it does not represent a significant restriction or economic burden to operators. Therefore, the ATA proposed definition is adopted in the final rule, except the temperature reference has been changed from 8°C OAT to 10°C OAT.

One commenter stated that either definition is going to increase fuel cost. FAA agrees with the assessment of fuel cost increase, however, the FAA considers the fuel cost impact would be insignificant and necessary in the interest of safety.

Four commentators addressed and agreed to the proposed revision to the AFM Limitation Section to incorporate the N_1 limitations for operations in icing conditions and a definition of icing conditions.

Eight commenters stated that the requirement of continuous ignition during icing conditions should be withdrawn since the continuous ignition requirement would reduce the igniter service life. This would have a negative impact on the availability of the system when needed and would also increase the cost of maintenance. Additionally, no sufficient service experience data are available to substantiate that continuous ignition in icing conditions will prevent engine flameouts or would enhance the restart capability. The FAA agrees with the assessment and the continuous ignition requirement is deleted from the final rule.

Eight commenters addressed the requirement for the LOW N_1 rpm indication system. Out of eight, two had no objection and one stated that the installation is not burdensome. One is pursuing alternative means of compliance which would require less time and expense. The FAA will consider all alternative means of compliance based on equivalent safety. One stated that the altitude bias switch (Baro-Switch for 10,000 feet) should be an option for those who want to use 50% N_1 for all altitudes. The FAA agrees as it would be a conservative approach to ice protection. The Australian Department of Aviation disagreed with the Low N_1 indication requirement and stated that it would not be made manadatory in Australian registered aircraft. Three proposed to implement a comprehensive crew training program instead of the Low N_1 indication system. The FAA does not agree. The evidence presented by the reported incidents indicates that the training has not prevented the crew from entering the icing conditions with engines at lower than the required N_1 speed and/or with the anti-icing system "OFF."

Two commenters suggested development of reliable ice detectors by the (airframe) manufacturers. The FAA has no comment on this as the subject of development of a reliable ice detector is outside the scope of this AD.

Two commenters suggested, in addition to comprehensive crew training, installation of minimum N_1 placards next to the engine anti-ice switches in lieu of a low N_1 alerting system. The FAA disagrees. The placards are considered to have the same effect as the AFM limitations. They are inactive visual cues. They do not have the same effect as the conspicuous flashing alert signal, an annunciation in the cockpit which is not likely to be ignored by the crew.