

handler, as in Brown's case, desires to expand its business beyond the capacity of its own production by bidding on contracts such as summer camps, that they should come under the same regulations as any other handler.

WDCI also filed comments in opposition to the notice of proposed suspension issued November 18, 1991. WDCI stated that the present provisions allow a producer-handler to acquire adequate supplies of fluid milk products from pool plants or other order plants to compensate for the seasonal nature of milk production. Also, WDCI believes the suspension of this provision allows a producer-handler to shift the burden of carrying his reserve supply to the producers and gives the producer-handler a competitive advantage in competing with fully regulated handlers. Their arguments in opposition can be characterized as speculative in nature and, therefore, should be disregarded.

Ideal Dairy, another producer-handler located in Richfield, Utah, testified briefly in support of Brown Dairy's proposal that would permit producer-handlers to purchase larger quantities of fluid milk than under the present regulations during nine months of the year.

The basis for producer-handler exemption from full regulation is that producer-handlers are usually small-volume operations that tend to be self-sufficient in maintaining the burden of their own reserve milk supplies. The order's limit on supplemental purchases is intended to prevent producer-handlers from shifting the burden of maintaining a reserve milk supply to pool producers, particularly the seasonal reserves that result from the seasonal variation in milk production. Otherwise, a producer-handler could shift this burden to pool producers by maintaining sales accounts equal to its production in peak-production months and then buying supplemental milk from pool sources during the low-production months (September through November).

By keeping the supplemental purchase limit in effect for the seasonally low-production months of September through November, the pool producers would tend to be protected from carrying the seasonal reserve supply burden of producer-handlers. In addition, if the limit were applied only during such months, it would provide an incentive for producer-handlers to change their breeding program to effect peak production during the market's low-production months and obtain supplemental supplies during the period of higher production in the market. This would tend to lessen the burden of wide seasonal swing in the volume of total

reserve supplies in the market and thereby contribute to marketing efficiencies. In addition, it would tend to discourage excess surplus production by producer-handlers. Also, it would facilitate potential marketing efficiency that may be gained by enabling producer-handlers to service nearby ski resort and summer camp accounts.

It therefore is concluded that the limit should be suspended for the months of December 1991 through August 1992, or until such time as the amendatory rulemaking noticed at 55 FR 33915-33918 (August 20, 1990) is completed if that date is earlier.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that unnecessary production of surplus milk by producer-handlers is being encouraged by the limit on purchases of pool milk by producer-handlers and the limit is unduly disrupting the marketing of milk to seasonal recreational sales accounts in the marketing area;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The marketing problems that provide the basis for the suspension were fully reviewed at a public hearing and all interested parties had the opportunity of being heard on this matter.

Therefore, good cause exists for making this order effective December 1, 1991.

List of Subjects in 7 CFR Part 1139

Milk.

It is therefore ordered, That the following provisions in § 1139.10 of the Great Basin order are hereby suspended for the months of December 1991 through August 1992 or until such time as the amendatory rulemaking noticed at 55 33915-33918 (August 20, 1990) is completed, if that date is earlier.

PART 1139—MILK IN THE GREAT BASIN MARKETING AREA

1. The authority citation for 7 CFR part 1139 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1139.10 [Temporarily suspended in part]

2. In § 1139.10(b)(1)(ii), the words "in an amount that is not in excess of the larger of 5,000 pounds or 5 percent of such person's Class I disposition during

the month" are suspended for the months of December 1991 through August 1992.

Signed at Washington, DC, on: December 18, 1991.

Jo Ann R. Smith,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 91-30744 Filed 12-24-91; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 91-157]

Contagious Equine Metritis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations regarding horses from countries affected with contagious equine metritis (CEM), so that all paragraph references in the regulations will refer to current paragraph designations. These changes are necessary to clarify the regulations.

EFFECTIVE DATE: December 26, 1991.

FOR FURTHER INFORMATION CONTACT:

Dr. Karen James, Senior Staff Veterinarian, Import-Export Animals Staff, VS, APHIS, USDA, room 765, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8590.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 92, referred to below as the regulations, govern the importation into the United States of specified animals and animal products, to prevent the introduction into the United States of various diseases, including contagious equine metritis (CEM). CEM is a venereal disease of horses that affects fertility and breeding. Section 92.301 of the regulations authorizes the importation of certain horses into the United States from countries affected with CEM, when specific requirements to prevent the horses from introducing CEM into the United States are met. Section 92.304 of the regulations, among other things, sets forth requirements for import permits for horses from countries affected with CEM.

On April 17, 1991, we published in the *Federal Register* a final rule (56 FR 15486-15493, Docket No. 90-160), in which we made a number of amendments to the regulations regarding horses from countries affected

with CEM. In that final rule, we added and amended a number of paragraphs, and redesignated other paragraphs as necessary. In certain cases, however, we did not make corresponding changes to paragraph references in the existing regulations. Therefore, following publication of our April 17, 1991, final rule, certain provisions in the regulations referred to outdated paragraph designations. To clarify the regulations, we are amending references to paragraph designations in §§ 92.301 and 92.304 to reflect current paragraph designations. We are also making certain nonsubstantive changes to the regulations to amend paragraph references that appeared incorrectly due to previous typographical errors.

This rule corrects references to paragraph designations in the regulations. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the *Federal Register*. Further, because this rule makes nonsubstantive corrections to the regulations, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Public Law 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

These programs/activities under 9 CFR part 92 are listed in the Catalog of Federal Domestic Assistance under No. 10.025 and are subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects in 9 CFR Part 92

Animal diseases, Imports, Livestock and livestock products, Quarantine, Transportation.

Accordingly, we are amending 9 CFR part 92 as follows:

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

§ 92.301 [Amended]

2. In § 92.301, paragraph (c)(2)(vi)(A)(1) is amended by removing the reference to "§ 92.4" and adding in its place a reference to "§ 92.304 of this part".

3. In § 92.301, paragraph (c)(2)(vi)(A)(2) is amended by removing the reference to "§ 92.17" and adding in its place a reference to "§ 92.314 of this part".

4. In § 92.301, paragraph (c)(2)(vii)(B)(5) is amended by removing the reference to "paragraph (c)(2)(vi)(D)" and adding in its place a reference to "paragraph (c)(2)(vii)(D)".

5. In § 92.301, paragraph (c)(2)(vii)(B)(6) is amended by removing the reference to "paragraph (c)(2)(vi)" and adding in its place a reference to "paragraph (c)(2)(vii)".

6. In § 92.301, the reference to "paragraph (c)(2)(iv)(B)" is removed and a reference to "paragraph (c)(2)(vii)(B)" is added in its place in the following places:

a. Paragraph (c)(2)(vii)(D), both sentences; and

b. Paragraph (c)(2)(vii)(E).

7. In § 92.301, paragraph (c)(2)(viii)(B)(2) is amended by removing the reference to "paragraphs (c)(2)(vii)(B)(1)" and adding in its place a reference to "paragraphs (c)(2)(viii)(B)(1)".

8. In § 92.301, paragraph (c)(2)(viii)(B)(7) is amended by removing the reference to "paragraph (c)(2)(vii)(B)(6)" and adding in its place a reference to "paragraph (c)(2)(viii)(B)(6)".

9. In § 92.301, paragraph (c)(2)(viii)(C)" is amended by removing the reference to "paragraph (c)(2)(vii)(G)" and adding in its place a reference to "paragraph (c)(2)(viii)(G)".

10. In § 92.301, paragraph (c)(2)(viii)(E)" is amended by removing the reference to "paragraph (c)(2)(vii)(A)" and adding in its place a reference to "paragraph (c)(2)(viii)(A)".

11. In § 92.301, paragraph (c)(2)(viii)(G), the first sentence is amended by removing the reference to

"paragraph (c)(2)(vii)" and adding in its place a reference to "paragraph (c)(2)(viii)".

12. In § 92.301, paragraph (c)(2)(viii)(G)" the second sentence is amended by removing the reference to "paragraph (i)(2)(vii)" and adding in its place a reference to "paragraph (c)(2)(viii)".

13. In § 92.301, paragraph (c)(2)(viii)(G)" the second sentence is amended by revising the words "paragraph (c)(2)(vii)(B)(2)" of this section; and (3) to supervise the cleaning and disinfection required by paragraph (c)(2)(viii)(B)(6) of this section." to read "paragraph (c)(2)(viii)(B)(2) of this section; and (3) to supervise the cleaning and disinfection required by paragraph (c)(2)(viii)(B)(6) of this section."

14. In § 92.301, paragraph (c)(2)(viii)(G), the third sentence is amended by removing the reference to "(c)(2)(viii)(H)" and adding in its place a reference to "(c)(2)(viii)(H)".

15. In § 92.301, the reference to "paragraph (c)(2)(viii)(B)" is removed and a reference to "paragraph (c)(2)(vii)(B)" is added in its place in the following places:

a. Paragraph (c)(2)(viii)(G), sixth sentence; and

b. Paragraph (c)(2)(viii)(H).

§ 92.304 [Amended]

16. In § 92.304, paragraph (a)(1)(i) is amended by removing the reference to "§ 92.2(c)(1)" and adding in its place a reference to "§ 92.301(c)(1)".

17. In § 92.304, the reference to "§ 92.301(c)(2)(vii)" is removed and a reference to "§ 92.301(c)(2)(viii)" is added in its place in the following places:

a. Paragraph (a)(1)(ii), both times it appears; and

b. Paragraph (a)(1)(iii).

18. In § 92.304, the paragraph designation for paragraph (a)(4)(ii) that reads "(4)(ii)" is revised to read "(ii)".

19. In § 92.304, the paragraph designation for paragraph (a)(8)(iii)(A), which appears incorrectly as (a)(8)(iii)(A)(1), is revised by removing the "(1)".

20. Section 92.304 is amended by removing the reference to "§ 92.301(c)(2)(vi)" and adding in its place a reference to "§ 92.301(c)(2)(vii)" in the following places:

a. Paragraph (a)(8)(iii)(B); and

b. Paragraph (a)(8)(iii)(E), the first sentence.

21. In § 92.304, paragraph (a)(8)(iii)(C) is amended by removing the reference to "§ 92.304(a)(8)(iii)(A)" and adding in its place a reference to "§ 92.304(a)(8)(iii)(B)".

22. In § 92.304, paragraph (a)(8)(iii)(D) is amended by revising the words "§ 92.2(c)(2)(vii)" if any specimen required by this section or by "§ 92.2(c)(2)(v)(G)" § 92.2(c)(2)(vi)(F)" or § 92.2(c)(2)(vi)(G)" to read "§ 92.301(c)(2)(vii), if any specimen required by this section or by § 92.301(c)(2)(v)(G), § 92.301(c)(2)(vi)(F), or § 92.301(c)(2)(vi)(G) of this part.

Done in Washington, DC, this 13th day of December 1991.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-30342 Filed 12-24-91; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Parts 101-108, 109, and 112-118

[Docket No. 90-170]

Viruses, Serums, Toxins, and Analogous Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the veterinary biologics regulations by removing all references to "Deputy Administrator" and replacing them with references to "Administrator." We are also removing all references to "Veterinary Services" and replacing them with references to "Animal and Plant Health Inspection Service" (APHIS). These changes are warranted so that regulations will accurately reflect that the Administrator of the Agency holds the primary authority and responsibilities for various decisions under the regulations.

EFFECTIVE DATE: December 26, 1991.

FOR FURTHER INFORMATION CONTACT:

Dr. Frank Y. Tang, Biotechnologist, BCTA, BBEP, APHIS, USDA, room 851, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301-436-4833.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR parts 101-118 concern veterinary biologics. Prior to the effective date of this document, these regulations indicated that the Deputy Administrator of the Animal and Plant Health Inspection Service (APHIS) for Veterinary Services (VS) was the official responsible for various decisions under these regulations. We are revising 9 CFR parts 101-118 to indicate that the primary authority and responsibility for various decisions under these regulations belong to the Administrator of the Agency. We are making similar revisions in all other APHIS regulations. These revisions will be published in separate Federal Register documents.

With these changes the term "Deputy Administrator" no longer appears in the text of the regulations. Therefore, we are deleting the definition of "Deputy Administrator." We are also adding a definition of "Animal and Plant Health Inspection Service". In addition, we are making non-substantive wording changes for clarity.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Public Law 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

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.)

List of Subjects

9 CFR Part 101

Animal biologics.

9 CFR Part 102

Animal biologics, Reporting and recordkeeping requirements.

9 CFR Part 103

Animal biologics, Reporting and recordkeeping requirements.

9 CFR Part 104

Animal biologics, Imports, Reporting and recordkeeping requirements, Transportation.

9 CFR Parts 105-109

Animal biologics.

9 CFR Part 112

Animal biologics, Exports, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

9 CFR Part 113

Animal biologics, Exports, Imports, Reporting and recordkeeping requirements.

9 CFR Part 114

Animal biologics, Reporting and recordkeeping requirements.

9 CFR Part 115

Animal biologics.

9 CFR Part 116

Animal biologics, Reporting and recordkeeping requirements.

9 CFR Part 117

Animal biologics, and Animals.

9 CFR Part 118

Animal biologics.

Accordingly, we are amending 9 CFR parts 101 through 109 and 112 through 118 as follows:

Part 101—DEFINITIONS

1. The authority citation for part 101 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 101.2, the terms are rearranged alphabetically without paragraph designations; the definition of "Deputy Administrator" is removed and the definitions of "Administrator" and "Animal and Plant Health Inspection Service" are added in alphabetical order to read as follows:

§ 101.2 Administrative terminology.

* * * * *

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The agency in the Department of Agriculture responsible for administering the Virus-Serum-Toxin Act.

§§ 101.2, 101.3, 101.4, 101.5 [Amended]

* * * * *

3. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" added in their place:

(a) Section 101.2, in the definition of "Inspector";

(b) Section 101.3(k);

(c) Section 101.4(g);

(d) Section 101.5(a); (c); (f).

§§ 101.2, 101.5 [Amended]

4. In the following places, the word "Deputy" is removed:

- (a) Section 101.2, in the definition of "Inspector";
- (b) Section 101.5(c).

PART 102—LICENSES FOR BIOLOGICAL PRODUCTS

5. The authority citation for part 102 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 102.4, 102.5 [Amended]

6. In the following places, the words "Deputy Administrator, Veterinary Services" are removed and the word "Administrator" is added in their place:

- (a) Section 102.4(c);
- (b) Section 102.5(c).

7. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place:

- (a) Section 102.3(a)(1); (a)(4).

§§ 102.2, 102.3, 102.4, 102.5 [Amended]

8. In the following places, the word "Deputy" is removed:

- (a) Section 102.1 heading; introductory text;
- (b) Section 102.2;
- (c) Section 102.3(a); (b);
- (d) Section 102.4(a); (b)(1); (b)(2); (b)(2)(ii); (f); (g); (h); (h)(1);
- (e) Section 102.5(a); (b)(5); (d)(1); (d)(3); (e).

PART 103—EXPERIMENTAL PRODUCTION, DISTRIBUTION, AND EVALUATION OF BIOLOGICAL PRODUCTS PRIOR TO LICENSING

9. The authority citation for part 103 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 103.1, 103.2, 103.3 [Amended]

10. In the following places, the word "Deputy" is removed:

- (a) Section 103.1 [second and fourth sentences];
- (b) Section 103.2(a); (c);
- (c) Section 103.3 introductory text [second sentence—twice], [third sentence]; (f); (g); and (h).

§ 103.3 [Amended]

11. In § 103.3(e), the words "the Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place.

PART 104—PERMITS FOR BIOLOGICAL PRODUCTS

12. The authority citation for part 104 continues to read as follows:

Authority: 21 U.S.C. 151–159, 7 CFR 2.17, 2.51, and 371.2(d).

§§ 104.1, 104.2, 104.3, 104.5, 104.6 [Amended]

13. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place:

- (a) Section 104.1(b);
- (b) Section 104.2(a), introductory text;
- (c) Section 104.3(a);
- (d) Section 104.5(a)(1); (a)(4); (a)(5); (b)(4);
- (e) Section 104.6(a); (b).

§§ 104.1, 104.2, 104.4, 104.5 [Amended]

14. In the following places, the word "Deputy" is removed:

- (a) Section 104.1 introductory text;
- (b) Section 104.2(b); (c);
- (c) Section 104.4(b);
- (d) Section 104.5(a)(3); (b)(1); (b)(4).

§ 104.7 [Amended]

15. In § 104.7(a), the words "Veterinary Services" are removed and the word "Administrator" is added in their place.

PART 105—SUSPENSION OF BIOLOGICS LICENSES OR PERMITS

16. The authority citation for part 105 is revised to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.15, and 371.2(d).

§ 105.2 [Amended]

17. In § 105.2, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place.

§§ 105.3, 105.4 [Amended]

18. In the following places, the word "Deputy" is removed:

- (a) Section 105.3(b);
- (b) Section 105.4.

PART 106—EXEMPTION FOR BIOLOGICAL PRODUCTS USED IN DEPARTMENT PROGRAMS OR UNDER DEPARTMENT CONTROL OR SUPERVISION

19. The authority citation for part 106 is revised to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§ 106.1 [Amended]

20. In § 106.1, the word "Deputy" is removed.

PART 107—EXEMPTIONS FROM PREPARATION PURSUANT TO AN UNSUSPENDED AND UNREVOKED LICENSE

21. The authority citation for part 107 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 107.1 and 107.2 [Amended]

22. In the following places, the word "Deputy" is removed.

- (a) Section 107.1 introductory text;
- (b) Section 107.2, paragraphs (a) twice; (c) twice; and (d) once.

§ 107.1 [Amended]

23. In § 107.1(a)(2), the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in its place.

PART 108—FACILITY REQUIREMENTS FOR LICENSED ESTABLISHMENTS

24. The authority citation in part 108 is revised to read as follows:

21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§ 108.1 [Amended]

25. In § 108.1, the word "Deputy" is removed.

§§ 108.6, 108.7, 108.11 [Amended]

26. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place:

- (a) Section 108.6 introductory text; (a);
- (b) section 108.7 [first and last sentences];
- (c) Section 108.11.

PART 109—STERILIZATION AND PASTEURIZATION AT LICENSED ESTABLISHMENTS

27. The authority citation for part 109 is revised to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 109.1, 109.2 [Amended]

28. In the following places, the word "Deputy" is removed:

- (a) Section 109.1(a);
- (b) Section 109.2.

§ 109.3 [Amended]

29. In § 109.3, introductory text, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place.

PART 112—PACKAGING AND LABELING

30. The authority citation for part 112 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 112.2, 112.5, 112.7 [Amended]

31. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their places:

- (a) Section 112.2(e);
- (b) Section 112.5 introductory text; (a);
- (b); (c); (d)(1)(i); (d)(1)(ii); (d)(4); (f);
- (c) Section 112.7(l).

§§ 112.1, 112.2, 112.7, 112.8, 112.9 [Amended]

32. In the following places, the word "Deputy" is removed:

- (a) Section 112.1 introductory text;
- (b) Section 112.2(a)(8);
- (c) Section 112.7(e);
- (d) Section 112.8(a)(2);
- (e) Section 112.9(c).

PART 113—STANDARD REQUIREMENTS

33. The authority citation for part 113 is revised to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 113.2, 113.3, 113.5, 113.6, 113.8, 113.9, 113.31, 113.39, 113.53, 113.54, 113.64, 113.66, 113.67, 113.106, 113.107, 113.108, 113.109, 113.111, 113.112, 113.119, 113.120, 113.121, 113.209, 113.210, 113.211, 113.212, 113.213, 113.214, 113.302, 113.303, 113.304, 113.305, 113.306, 113.307, 113.308, 113.310, 113.311, 113.312, 113.313, 113.314, 113.315, 113.316, 113.317, 113.318, 113.325, 113.326, 113.327, 113.328, 113.239, 113.330, 113.331, 113.332, 113.406, 113.408, 113.409, 113.453, 113.454, 113.455 [Amended]

34. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place:

- (a) Section 113.2(e);
- (b) Section 113.3 introductory text;
- (a)(2); (b)(8); (b)(9); (c)(4);
- (c) Section 113.5(c) [twice]; (e);
- (d) Section 113.6 heading; (b);
- (e) Section 113.8(a)(2); (b); (c) introductory text; (c)(4)(i);
- (f) Section 113.9 introductory text;
- (g) Section 113.31 introductory text;
- (a)(1); (b)(2);
- (h) Section 113.39(a)(1)(iii);
- (i) Section 113.53(e);
- (j) Section 113.54(a);
- (k) Section 113.64(c);
- (l) Section 113.66(b)(3); (b)(7);
- (m) Section 113.67(b)(3); (b)(8);
- (n) Section 113.106(c)(2);

- (o) Section 113.107(c)(2);
- (p) Section 113.108(c)(2);
- (q) Section 113.109(c)(2);
- (r) Section 113.111(c)(1)(iv); (c)(1)(v);
- (s) Section 113.112(c)(1)(iv); (c)(1)(v);
- (t) Section 113.119(c)(1);
- (u) Section 113.120(c)(1);
- (v) Section 113.121(c)(1);
- (w) Section 113.209(b) [second sentence]; (b)(3)(iv) [twice]; (b)(5);
- (x) Section 113.210(c); (d)(2)(iii);
- (d)(2)(v);
- (y) Section 113.211(c); (d)(2)(iii);
- (d)(2)(v);
- (z) Section 113.212(c); (d)(2)(iii);
- (aa) Section 113.213(b); (c)(2)(ii);
- (c)(2)(vi);
- (ab) Section 113.214(b)(1) [last sentence]; (b)(2); (b)(3); (b)(5);
- (ac) Section 113.302(c)(1); (c)(5);
- (ad) Section 113.303(b); (c)(1); (c)(5);
- (ae) Section 113.304(c)(3); (c)(5);
- (af) Section 113.305(c)(5);
- (ag) Section 113.306(c)(3); (c)(5);
- (ah) Section 113.307(c)(3); (c)(5);
- (ai) Section 113.308(b)(6);
- (aj) Section 113.309(c)(10);
- (ak) Section 113.310(c)(9);
- (al) Section 113.311(c)(8);
- (am) Section 113.312(b); (b)(3)(iv) [first and third sentences]; (b)(7);
- (an) Section 113.313(c)(5); (c)(7);
- (ao) Section 113.314(c)(3) introductory text; (c)(3)(ii); (c)(5);
- (ap) Section 113.315(c)(3); (c)(5);
- (aq) Section 113.316(b)(3); (b)(6);
- (ar) Section 113.317(b); (c)(3); (c)(5);
- (as) Section 113.318(b)(3); (b)(5);
- (at) Section 113.325(c)(6);
- (au) Section 113.326(c)(3); (c)(6);
- (av) Section 113.327(c)(3); (c)(5);
- (aw) Section 113.328(c)(3); (c)(4); (c)(7);
- (ax) Section 113.329(c)(3); (c)(6); (c)(7);
- (ay) Section 113.330(d)(3);
- (az) Section 113.331(c)(2); (c)(3); (c)(5);
- (ba) Section 113.332(c)(2); (c)(3); (c)(5);
- (bb) Section 113.406 introductory text;
- (c);
- (bc) Section 113.408 introductory text;
- (bc) Section 113.409 introductory text;
- (c); (c)(2)(i); (c)(2)(ii);
- (bd) Section 113.453(c) introductory text;
- (be) Section 113.454(c)(1)(iv); (c)(1)(v);
- (bf) Section 113.455(c)(1)(iv); (c)(1)(v);

§§ 113.52, 113.53, 113.55, and 113.408 [Amended]

35. In the following places, the term "VS" is removed and the term "APHIS" is added in its place:

- (a) Section 113.52(b)(5); (h);
- (b) Section 113.53(b); (c); (c)(2);
- (c) Section 113.55(a)(3);
- (d) Section 113.408(b); (f).

§§ 113.3, 113.4, 113.6, 113.8, 113.25, 113.26, 113.27, 113.35, 113.47, 113.113, 113.450 [Amended]

36. In the following places, the word "Deputy" is removed:

- (a) Section 113.3(a) [twice]; (a)(1)(ii);
- (b); (c);
- (b) Section 113.4(a);
- (c) Section 113.6(a);
- (d) Section 113.8(a); (c)(4)(i);
- (e) Section 113.25(d);
- (f) Section 113.26 introductory text;
- (g) Section 113.27 introductory text;
- (e) Section 113.35(b);
- (f) Section 113.47(b) [second and third sentences];
- (g) Section 113.113(a)(2) [second and third sentences]; (b);
- (h) Section 113.450(b)(2);

§§ 113.52, 113.53, 113.55, 113.408 [Amended]

37. In § 113.52 paragraph (a)(3), § 113.53, introductory text; § 113.55, paragraph (a)(3); and § 113.408, introductory text; the term "Veterinary Services (VS)" is removed and replaced with "Animal and Plant Health Inspection Service (APHIS)".

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

38. The authority citation for part 114 continues to read as follows:

Authority: 21 U.S.C. 151–159, 7 CFR 2.17, 2.51, and 371.2(d).

§§ 114.2, 114.3, 114.5, 114.7, 114.8, 114.9, 114.13, 114.14, 114.17, 114.18 [Amended]

39. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place:

- (a) Section 114.2(b)(4);
- (b) Section 114.3(d);
- (c) Section 114.5;
- (d) Section 114.7(a) [first and second sentences];
- (e) Section 114.8 introductory text [first and second sentences]; paragraph (a) [first and second sentences]; paragraphs (b); (c); (d); (e)(1);
- (f) Section 114.9(a)(3); (a)(7); (b);
- (g) Section 114.13 introductory text;
- (h) Section 114.14(b); (b)(1);
- (i) Section 114.17(d); (e);
- (j) Section 114.18(d) [first and second sentences].

§§ 114.1, 114.2, 114.3, 114.5, 114.8, 114.10, 114.15, 114.17, 114.18 [Amended]

40. In the following places, the word "Deputy" is removed:

- (a) Section 114.1 [first and second sentences];
- (b) Section 114.2 (b); (c); (d)(3);

- (c) Section 114.3(c);
 - (d) Section 114.5;
 - (e) Section 114.8 (e); (f) [first and second sentences];
 - (f) Section 114.10(a);
 - (g) Section 114.15;
 - (h) Section 114.17 introductory text;
 - (i) Section 114.18 introductory text.
41. In § 114.2(d)(2), "VS Form14-3" is removed (2 places) and "APHIS Form 2003" is added in its place. In the address in the last sentence the term "VS" is removed.

PART 116—RECORDS

42. The authority citation for part 116 is revised to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.17, 2.51, and 371.2(d).

43. In the following places, the words "Veterinary Services" are removed and the term "Animal and Plant Health Inspection Service" is added in their place:

- (a) Section 116.5;
- (b) Section 116.7 [second and third sentences].

§§ 116.2, 116.5, 116.8 [Amended]

44. In the following places, the word "Deputy" is removed:

- (a) Section 116.2(b);
- (b) Section 116.5;
- (c) Section 116.8.

PART 117—ANIMALS AT LICENSED ESTABLISHMENTS

45. The authority citation for part 117 is revised to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 117.1, 117.3, 117.6 [Amended]

46. In the following places, the word "Deputy" is removed:

- (a) Section 117.1 (a); (b);
- (b) Section 117.3 (c); (e).
- (c) Section 117.6(e).

PART 118—DETENTION; SEIZURE, AND CONDEMNATION

47. The authority citation for part 118 is revised to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.17, 2.51, and 371.2(d).

§§ 118.1, 118.2, 118.3, 118.4 [Amended]

48. In the following places, the word "Deputy" is removed:

- (a) Section 118.1;
- (b) Section 118.2 introductory text; (b);
- (c) [first sentence—twice];
- (c) Section 118.3(a)—twice; (b);
- (d) Section 118.4, [second sentence].

Done in Washington, DC, this 13th day of December 1991.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-30343 Filed 12-24-91; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 113

[Docket No. 91-166]

Viruses, Serums, Toxins, and Analogous Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the veterinary biologics regulations under part 113 to update cross references to section numbers which inadvertently were not updated when part 113 sections were redesignated. These changes are necessary so that the regulations will accurately reflect the section numbers in part 113.

EFFECTIVE DATE: December 26, 1991.

FOR FURTHER INFORMATION CONTACT:

Dr. David A. Espeseth, Deputy Director, Veterinary Biologics, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 838, 6505 Belcrest Road, Hyattsville, MD 20782, telephone 301-436-8245.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 113 concern Standard Requirements for the preparation of veterinary biologics. The section numbers in part 113 were redesignated in a final rule published on August 31, 1990, (55 FR 35556-35563, Docket No. 89-151) and effective October 1, 1990. However, cross references in part 113 were not updated to reflect the new section numbers. Updating these cross reference section numbers is necessary in order to accurately reflect the redesignation of these section numbers.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the *Federal Register*. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Public Law 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

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.)

List of Subjects in 9 CFR Part 113

Animal biologics, Exports, Imports, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 113 to read 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 2.17, 2.51, and 371.2(d).

§§ 113.7, 113.101, 113.103, 113.104, 113.105, 113.106, 113.107, 113.108, 113.109, 113.110, 113.111, 113.112, 113.114, 113.115, 113.116, 113.117, 113.118, 113.119, 113.120, 113.121, 113.122, 113.123 [Amended]

2. In the following places, the reference "§ 113.85" is removed and "§ 113.100" is added in its place as follows:

- (a) Section 113.7(d);
- (b) Section 113.101, introductory paragraph;
- (c) Section 113.102, introductory paragraph;
- (d) Section 113.103, introductory paragraph;
- (e) Section 113.104, introductory paragraph;
- (f) Section 113.105, introductory paragraph;
- (g) Section 113.106, introductory paragraph;
- (h) Section 113.107, introductory paragraph;
- (i) Section 113.108, introductory paragraph;
- (j) Section 113.109, introductory paragraph;
- (k) Section 113.110, introductory paragraph;
- (l) Section 113.111, introductory paragraph;
- (m) Section 113.112, introductory paragraph;
- (n) Section 113.114, introductory paragraph;

(o) Section 113.115, introductory paragraph;
 (p) Section 113.116, introductory paragraph;
 (q) Section 113.117, introductory paragraph;
 (r) Section 113.118, introductory paragraph;
 (s) Section 113.119, introductory paragraph;
 (t) Section 113.120, introductory paragraph;
 (u) Section 113.121, introductory paragraph;
 (v) Section 113.122, introductory paragraph; and
 (w) Section 113.123, introductory paragraph.

§§ 113.201, 113.202, 113.203, 113.204, 113.205, 113.206, 113.207, 113.208, 113.209, 113.210, 113.211, 113.212, 113.213, 113.214, 113.216 [Amended]

3. In the following places, the reference "§ 113.120" is removed and "§ 113.200" is added in its place as follows:

(a) Section 113.201, introductory paragraph;
 (b) Section 113.202, introductory paragraph;
 (c) Section 113.203, introductory paragraph, both places it appears;
 (d) Section 113.204, introductory paragraph;
 (e) Section 113.205, introductory paragraph, both places it appears;
 (f) Section 113.206 (a) and (c), both places it appears;
 (g) Section 113.207, introductory paragraph, both places it appears;
 (h) Section 113.208, introductory paragraph;
 (i) Section 113.209 (a) and (d);
 (j) Section 113.210 (a) and (d);
 (k) Section 113.211 (a) and (d);
 (l) Section 113.212 (a) and (d);
 (m) Section 113.213 (a) and (c);
 (n) Section 113.214 (a) and (c); and
 (o) Section 113.216(c).

§§ 113.8, 113.71, 113.301, 113.302, 113.303, 113.304, 113.305, 113.306, 113.307, 113.308, 113.309, 113.310, 113.311, 113.312, 113.313, 113.314, 113.315, 113.316, 113.317, 113.318, 113.325, 113.326, 113.327, 113.328, 113.329, 113.330, 113.331, 113.332 [Amended]

4. In the following places, the reference "§ 113.135" is removed and "§ 113.300" is added in its place as follows:

(a) Section 113.8(a)(1);
 (b) Section 113.71(c);
 (c) Section 113.301, introductory paragraph, both places it appears;
 (d) Section 113.302 (a) and (d);
 (e) Section 113.303 (a) and (d);
 (f) Section 113.304 (a) and (d);
 (g) Section 113.305 (a) and (d);
 (h) Section 113.306 (a) and (d);

(i) Section 113.307 (a), both places it appears, and (d), both places it appears;
 (j) Section 113.308 (a) and (c);
 (k) Section 113.309 (a) and (d);
 (l) Section 113.310 (a) and (d);
 (m) Section 113.311 (a) and (d);
 (n) Section 113.312 (a) and (d);
 (o) Section 113.313 (a) and (d);
 (p) Section 113.314 (a) and (d);
 (q) Section 113.315 (a) and (d);
 (r) Section 113.316 (a) and (c);
 (s) Section 113.317 (a) and (d);
 (t) Section 113.318 (a) and (c);
 (u) Section 113.325 (a) and (d);
 (v) Section 113.326 (a) and (d);
 (w) Section 113.327 (a) and (d);
 (x) Section 113.328 (a) and (d);
 (y) Section 113.329 (a) and (d);
 (z) Section 113.330(a);
 (aa) Section 113.330(d), both places it appears;
 (ab) Section 113.331 (a) and (d); and
 (ac) Section 113.332 (a) and (d).

Done in Washington, DC, this 13th day of December 1991.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-30344 Filed 12-24-91, 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 29

[Docket No. 91-ASW-2; Special Condition 29-ASW-2]

Special Conditions: McDonnell Douglas Model MD-900 Helicopter, Critical Functioning Electrical/Electronic Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special condition.

SUMMARY: This special condition is issued for the McDonnell Douglas Model MD-900 helicopter. This helicopter will have a novel or unusual design feature associated with certain engine installations identified as utilizing a Full Authority Digital Engine Control (FADEC). This special condition contains additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the applicable airworthiness standards.

EFFECTIVE DATE: January 27, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Carroll Wright, FAA, Rotorcraft Standards Staff, Regulations Group, Fort Worth, Texas 76193-0111, telephone 817-624-5121.

SUPPLEMENTARY INFORMATION:

Background

On April 25, 1989, McDonnell Douglas Helicopter Company (MDHC), 5000 East McDowell Road, Mesa, Arizona, submitted an application for a new Type Certificate to include the Model MD-900 Helicopter. This aircraft is an eight-passenger, two-engine, 5,400-pound normal category helicopter. This helicopter will possess several advanced features including a hingeless, bearingless composite rotor system; a composite primary airframe structure; an integrated crew station; a centerline instrument display; the NOTAR antitorque system; and one or possibly more electrical/electronic systems performing functions critical to the continued safe flight and landing of the helicopter.

Type Certification Basis

The certification basis for the Model MD-900 includes: FAR part 27, through Amendment 27-23, effective September 2, 1988; Amendment 27-25, effective December 13, 1989; portions of Amendments 27-26, specifically 27.501; and FAR part 36, appendix H, effective on the date of certification.

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of novel or unusual design features of an aircraft or installation.

Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become a part of the type certification basis, as provided by § 21.101(b)(2).

Discussion

Notice of Proposed Special Condition No. SC-91-2-SW was published in the Federal Register on January 31, 1991 (56 FR 3804). No comments were received. Therefore, the special condition is adopted as proposed. The MDHC Model MD-900 helicopter will incorporate one and possibly more electrical/electronic systems and equipment that will be performing functions critical to the continued safe flight and landing of the helicopter. A FADEC is an electronic device which performs the critical function of engine control. The control of the engines is critical to the continued safe flight and landing of the helicopter during all operating flight regimes (both