

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 96-001-1]

Corn Cyst Nematode

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to remove the regulations that quarantine certain areas of the United States because of the corn cyst nematode and that restrict the interstate movement of certain articles, such as soil, from the quarantined areas. We are proposing this action because this pest is present in only five counties in two States and appears to be adequately contained by the two States affected. This action would relieve restrictions on the interstate movement of regulated articles.

DATES: Consideration will be given only to comments received on or before August 15, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96-001-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 96-001-1. Comments 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 are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Ms. Coanne O'Hern, Assistant Operations Officer, Domestic and Emergency Operations, PPD, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1228, (301) 734-8247, or e-mail: cohern@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Corn cyst nematode (*Heterodera zeae*) is a cyst-forming nematode that attacks the roots of host plants such as corn, barley, oats, and sorghum. The nematode bores into the roots of the plants and feeds on the plant juices, resulting in poor root development and poor plant growth and potentially causing severe crop losses. The corn cyst nematode is spread through the movement of infested soil and equipment carrying infested soil.

The corn cyst nematode was first detected in the United States in Kent County, MD, in 1981. Subsequent surveys found infestations in Harford, Cecil, and Queen Anne's Counties, MD. Between 1981 and 1983, all 3 counties in Delaware, 13 in Maryland, 11 in New Jersey, 11 in Pennsylvania, and 2 in Virginia were surveyed for corn cyst nematode. The results of these surveys were negative. Since 1983, Maryland has completed surveys in all of its counties, and no additional counties have been found infested. In 1992, corn cyst nematode was confirmed on one property in Cumberland County, VA. Delimiting surveys have been conducted on adjacent properties and all properties leased or farmed by the owner of the infested property. Surveys were also conducted in corn fields located along the Appomattox River in Appomattox and Prince George's Counties, VA. These additional surveys were negative for corn cyst nematode.

The regulations in 7 CFR 301.90 through 301.90-10 designate areas that are quarantined because of the presence of corn cyst nematode. These regulations also restrict the interstate movement of soil and other articles from the quarantined areas to prevent the spread of corn cyst nematode.

Studies conducted by the Maryland State Agricultural Experiment Station (MAES) indicate that corn cyst nematode may not be an economic pest anywhere in the United States with the possible exception of south Florida and south Texas. This research has shown that corn cyst nematode develops best in soil temperatures of 33 to 36 °C. At soil temperatures below 30 °C, corn cyst nematode does not reproduce quickly enough to cause economic damage. Research conducted by MAES also indicates that corn cyst nematode is easily controlled by crop rotation. One

year of a nonhost crop reduces corn cyst nematode populations drastically, and recovery may take several years.

The State of Maryland has established a State quarantine that restricts the movement of possible infested articles from the infested areas in Cecil, Harford, Kent, and Queen Anne's Counties. The owner of the infested property in Cumberland County, VA, has entered into a compliance agreement with the State of Virginia that restricts the movement from the property of farm machinery and other articles that may carry infested soil.

Under these circumstances, we believe that the regulations in § 301.90 through § 301.90-10 are no longer necessary to prevent the interstate spread of corn cyst nematode. We therefore propose to remove these regulations.

Executive Order 12866 and Regulatory Flexibility Act

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

This proposed rule change is not expected to have an effect on any entities in the regulated areas. This is because the States of Maryland and Virginia have restrictions in place to prevent the movement of potentially infested articles from the infested areas in Cecil, Harford, Kent and Queen Anne's Counties, MD, and Cumberland County, VA.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would 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 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) State and local laws and regulations will not be preempted; (2) no retroactive effect will be given to this

rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed 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 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is proposed to be amended as follows:

PART 301—[AMENDED]

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

Subpart—Corn Cyst Nematode [Removed]

2. Subpart—Corn Cyst Nematode, consisting of §§ 301.90 and 301.90–1 through 301.90–10, would be removed.

Done in Washington, DC, this 9th day of July 1996.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–17918 Filed 7–15–96; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 34

Radiography Equipment Workshop

AGENCY: Nuclear Regulatory Commission.

ACTION: Public workshop.

SUMMARY: The Nuclear Regulatory Commission (NRC) staff plans to convene a public workshop with representatives of Agreement States, NRC radiography licensees, radiography equipment manufacturers and other interested persons to discuss and solicit comments and concerns relating to NRC regulations for radiography, specifically § 34.20. The purpose of the workshop is to establish whether there is a need for rulemaking related to design and control of radiography equipment.

DATES: The workshop will be held on August 29, 1996. The meeting time is: 8:30 am–5:00 pm or earlier if the

business of the workshop is concluded at an earlier time.

ADDRESSES: Holiday Inn & Hotel Suites, 7787 Katy Freeway (I–10 West), Houston, Texas 77024. Telephone 1–800–822–8373 or (713) 681–5000.

FOR FURTHER INFORMATION CONTACT: Cheryl A. Trottier, Office of Nuclear Regulatory Research, Mail Stop T–9C24, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, Telephone: (301) 415–6232.

SUPPLEMENTARY INFORMATION: During the currently ongoing revision of NRC regulations on radiography, 10 CFR Part 34, numerous comments were received from NRC and Agreement State licensees and manufacturers of radiography devices that expressed concerns in regard to § 34.20 of the regulations entitled “Performance requirements for radiography equipment.” Many of these comments related to the proposed requirements on accessories, referred to in the regulation as “associated equipment,” to the labelling of the various components, and to the modification of radiography devices and components. In addition, the NRC has received and is requesting public comment on a petition for rulemaking filed by Amersham Corporation (61 FR 30837) Docket No. PRM–34–5, that requests that the NRC amend its regulations to remove reference to “associated equipment” from § 34.20. In light of this petition and comments received during the development of the Part 34 final rule, the NRC is re-evaluating the applicability of the standard ANSI N432–1980 to associated equipment.

Conduct of the Meeting: The workshop will be chaired by Cheryl A. Trottier. The workshop will be conducted in a manner that will expedite the orderly conduct of business. A transcript of the workshop will be available for inspection and copying for a fee at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC 20555–0001 on or about September 30, 1996.

The following procedures apply to public attendance at the workshop:

1. Questions or statements from attendees other than participants will be entertained as time permits.
2. Seating for the public will be on a first come, first-served basis.

Dated at Rockville, Maryland on this 10th day of July, 1996.

For the Nuclear Regulatory Commission.

Bill M. Morris,

Director, Division of Regulatory Applications, Office of Nuclear Regulatory Research.

[FR Doc. 96–18006 Filed 7–15–96; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–72–AD]

RIN 2120–AA64

Airworthiness Directives; de Havilland Model DHC–8–100 and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to all deHavilland DHC–8–100 and –300 series airplanes, that currently requires repetitive inspections to detect loose bolts at the retract actuator support fitting of the main landing gear, and various follow-on actions, if necessary. That AD was prompted by a report of loose actuator supporting bolts and cracks in the relief radius of the boss at the forward surface of the fittings. This action would add a requirement to accomplish a new modification, which, when accomplished, would terminate the repetitive inspections. The actions specified by the proposed AD are intended to prevent loss of hydraulic systems and reduced controllability of the airplane due to loose actuator support bolts or cracks in the relief radius of the boss at the forward surface of the fittings.

DATES: Comments must be received by August 26, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–72–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario, Canada M3K 1Y5. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Jon Hjelm, Aerospace Engineer, Airframe and Propulsion Branch, ANE–173, FAA, New York Aircraft Certification Office, Engine and