

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

The regulations proposed herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 8 CFR Part 264

Aliens, Reporting and recordkeeping requirements.

Accordingly, the interim rule amending 8 CFR part 264, which was published in the Federal Register on December 23, 1993, at 58 FR 68024-68025, is adopted as a final rule without change.

Dated: September 3, 1996.

Janet Reno,

Attorney General.

[FR Doc. 96-22964 Filed 9-9-96; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service****9 CFR Part 54**

[Docket No. 96-042-1]

Scrapie Indemnification Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the scrapie regulations by removing provisions describing the scrapie indemnification program. The scrapie indemnification program provided financial compensation to flock owners for certain animals destroyed because of scrapie. As provided in the regulations, this indemnity program was available for only a limited time, and has now been discontinued. This action will remove provisions that are no longer in effect from the regulations.

EFFECTIVE DATE: September 10, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. Daniel Harpster, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231, (301) 734-4913; or e-mail: dharpster@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:**Background**

The regulations in 9 CFR part 54 (referred to below as the regulations) include provisions for the payment of Federal indemnity to owners of certain sheep and goats destroyed because of scrapie. The scrapie indemnification program was established in a final rule published on December 9, 1992 (57 FR 58130-58133) and effective on January 8, 1993. As explained in the regulations, the program was offered for a limited time only; applications were required to be received on or before July 7, 1993.

Because this program has ended, we are amending the regulations to remove the provisions concerning the scrapie indemnification program. These provisions are contained in subpart A, §§ 54.2 through 54.6.

This action is not a substantive change to the regulations. It simply removes provisions related to a program that has been terminated. Therefore, pursuant to the administrative provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are unnecessary; we also find good cause for making this rule effective less than 30 days after publication of this document in the Federal Register. Further, this action is not a rule or regulatory action as defined by either Executive Order 12866 or the Regulatory Flexibility Act, and is, therefore, exempt from those provisions. This action contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects in 9 CFR Part 54

Animal diseases, Goats, Indemnity payments, Scrapie, Sheep.

Accordingly, 9 CFR part 54 is amended as follows:

PART 54—CONTROL OF SCRAPIE

1. The authority citation for part 54 continues to read as follows:

Authority: 21 U.S.C. 111, 114, 114a, and 134a-134h; 7 CFR 2.22, 2.80, and 371.2(d).

2. Subpart A of part 54, consisting of §§ 54.2 through 54.6, is removed and reserved.

Done in Washington, DC, this 4th day of September 1996.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-23053 Filed 9-9-96; 8:45 am]

BILLING CODE 3410-34-P

9 CFR Parts 71 and 75

[Docket No. 96-040-1]

CEM; Remove Interstate Movement Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: We are removing the regulations governing the interstate movement of horses affected with or exposed to contagious equine metritis. The last areas of the United States quarantined for contagious equine metritis were removed from quarantine in 1987. The disease has not been known to exist in this country since that time, and the regulations are no longer in use. We are also adding contagious equine metritis to a list of diseases not known to exist in the United States. **DATES:** This rule will be effective on November 12, 1996 unless we receive written adverse comments or written notice of intent to submit adverse comments on or before October 10, 1996.

ADDRESSES: Please send an original and three copies of any adverse comments or notice of intent to submit adverse comments to Docket No. 96-040-1, 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. 96-040-1. 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. Tim Cordes, Senior Staff Veterinarian,

National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231; (301) 734-3279.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR subchapter C (parts 70 through 89) govern the interstate movement of animals, including poultry, and animal products. Part 71 includes general provisions related to the interstate movement of animals and poultry. Part 75 pertains to the interstate movement of animals affected with communicable diseases of horses, asses, ponies, mules, and zebras. Sections 75.5 through 75.7 and 75.10 (referred to below as the regulations) pertain to contagious equine metritis (CEM), a highly contagious acute venereal disease that affects breeding and fertility.

When first promulgated, the CEM regulations quarantined certain areas of the United States and restricted the interstate movement of horses and other Equidae from those areas. However, in an interim rule of March 11, 1987 (52 FR 7403-7405), we removed the provisions that quarantined the last areas of the United States because of CEM. The interim rule was affirmed on July 29, 1987 (52 FR 28239-28240). CEM has not been known to exist in the United States since that time, and the regulations are no longer in use. Because the quarantine and accompanying restrictions on interstate movement are no longer necessary, we are removing the regulations in §§ 75.5 through 75.7 and § 75.10.

We are also adding a reference to CEM to part 71. Section 71.3 generally prohibits the interstate movement of diseased animals. Section 71.3(b) lists diseases not known to exist in the United States and prohibits the interstate movement of animals affected with any of the listed diseases. Because CEM is not known to exist in the United States, we are adding this disease to the list in § 71.3(b). Therefore, in the event CEM is again found to exist in the United States, spread of the disease could immediately be curtailed because interstate movement of affected animals would be prohibited.

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

This rule removes regulations governing the interstate movement of horses affected with or exposed to CEM. The last areas of the United States quarantined because of this disease were removed from quarantine in 1987, and the disease has not been known to exist in this country since that time. As a result, none of the regulatory provisions regarding CEM have been imposed upon any entities large or small for at least 9 years.

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 in conflict 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.*).

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects

9 CFR Part 71

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

9 CFR Part 75

Animal diseases, Horses, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR parts 71 and 75 are amended as follows:

PART 71—GENERAL PROVISIONS

1. The authority citation for part 71 continues to read as follows:

Authority: 21 U.S.C. 111-113, 114a, 114a-1, 115-117, 120-126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 71.3 [Amended]

2. In § 71.3, paragraph (b) is amended by adding the words "contagious equine metritis," after the word "dourine,".

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, PONIES, MULES, AND ZEBRAS

3. The authority citation for part 75 continues to read as follows:

Authority: 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, and 134-134h; 7 CFR 2.22, 2.80, and 371.2(d).

§§ 75.5, 75.6, 75.7, and 75.10 [Removed and Reserved]

4. Sections 75.5 through 75.7 and 75.10 are removed and reserved.

Done in Washington, DC, this 4th day of September 1996.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-23052 Filed 9-9-96; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

Replacement and Modification Parts: "Standard" Parts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments.

SUMMARY: The FAA has traditionally interpreted the term "standard parts," as used in regulations concerning the production of replacement and modification parts for sale for installation of type certificated (TC) products, to include a basic structural or mechanical part the specification for which has been published by a standard setting organization or by the U.S. government. This document solicits public comment on including other kinds of parts, for example discrete electrical or electronic component parts.

DATES: Comments must be received on or before November 12, 1996.

ADDRESSES: Comments must be mailed or delivered in duplicate to: Federal Aviation Administration, Aircraft Engineering Division, AIR-100 Rm. 815, 800 Independence Avenue, SW., Washington, DC 20591. Comments must be marked Docket No. AIR-100-9601. Comments may be inspected on weekdays except Federal holidays, between 9 a.m. and 4 p.m. in room 815.

FOR FURTHER INFORMATION CONTACT: Bruce Kaplan, Aerospace Engineer, Aircraft Engineering Division, AIR-100, FAA, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-9588.

SUPPLEMENTARY INFORMATION: Section 21.303(a) of Title 14 of the Code of Federal Regulations (CFR) (§ 21.303(a)), Replacement and Modification Parts, prohibits a person from producing a part for sale for installation on a type certificated product unless that person produces the part pursuant to an FAA Parts Manufacturer Approval (PMA). Section 21.303(b) provides four exceptions to the requirement in § 21.303(a). One of these exceptions is for "Standard parts (such as bolts and nuts) conforming to established industry

or U.S. specifications." (14 CFR § 21.303(b)(4).)

"Standard part" is not otherwise defined in Title 14. Section 21.303(b)(4) has come to be understood by the aviation and manufacturing public as meaning a part, the specification for which has been published by a standard setting organization or by the U.S. government, and the FAA has traditionally regulated parts production with that understanding. Examples of such "traditional" standard part specifications include National Aerospace Standards (NAS), Air Force-Navy Aeronautical Standard (AN), Society of Automotive Engineers (SAE), SAE Aerospace Standard (AS), and Military Standard (MS). The FAA will continue to consider parts conforming to these specifications as standard parts.

Traditionally, for any specification to be acceptable it must include information on the design, materials, manufacture, and uniform identification requirements. The specification must include all the information necessary to produce the part and ensure its conformity to the specification. Furthermore, the specification must be publicly available, so that any party is capable of manufacturing the part. The above examples of accepted specifications fulfill those criteria.

In the past the FAA has applied § 21.303(b)(4) to parts that have specifications where a determination of physical conformity to a design could be made. This application largely excluded classes of parts where the parts are conformed not on the basis of their physical configuration but by meeting the specified performance criteria. These types of parts are best exemplified by discrete electrical and electronic parts.

Much of the componentry used in electronic devices are manufactured under standard industry practices, often to published specifications developed by standards organizations such as the Society of Automotive Engineers (SAE), the American Electronics Association, Semitec, Joint Electron Device Engineering Council, Joint Electron Tube Engineering Council, and the American National Standards Institute (ANSI). Such standards development by these bodies is overseen by the Institute of Electrical and Electronics Engineers (IEEE), the IEEE Standards Committee, as well as the electrical and electronics industry, at large, who depends upon characteristic design standards for consistency in operation and performance.

The FAA is aware of certain kinds of parts that may fit within the limits of

the § 21.303(b)(4) exception; these might include resistors, capacitors, diodes, transistors, and non-programmable integrated circuits (e.g. amplifiers, bridges, switches, gates, etc.). Conversely, large scale, application-specific, or programmable integrated circuits, hybrids, gate arrays, memories, CPU's, or other programmable logic devices would not be considered standard parts. Such components are not "discretes" since they require programming that controls their timing, functionality, performance, and overall operating parameters.

It is important to remember that 14 CFR Part 21 § 21.303 deals with the production of parts for sale for installation on type certificated products. The installation of an owner- or operator-produced, technical standard order, and standard parts must be shown to comply with part 43 of Title 14 of the CFR (Part 43). Installation eligibility for a PMA or a type or production certificated (PC) part is established at the time of issuing the production approval, nevertheless, a person may install a PMA, TC, or PC part on another TC product if that installation is shown to comply with Part 43. Generally, a standard part may be replaced with an identical standard part without a further demonstration of compliance with the airworthiness regulations. Substitution of a standard part with another would require a demonstration of acceptability in accordance with Part 43.

The FAA invites comments on the ability of producers to conform discrete electrical and electronic parts, and other kinds of parts, to specified performance criteria. It also invites comments on the ability of producers to distinctly identify such parts.

After comments are reviewed, the FAA anticipates taking the following actions:

(1) Compile a list of standard setting bodies and U.S. government entities that establish specifications for standard parts, and

(2) Publish these listings in an Advisory Circular which will be available on the Aircraft Certification Home Page on the World Wide Web.

Issued in Washington, DC, of August 29, 1996.

Elizabeth Yoest,

Deputy Director, Aircraft Certification Service, AIR-2.

[FR Doc. 96-23092 Filed 9-9-96; 8:45 am]

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