

# 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.

## NORTHEAST DAIRY COMPACT COMMISSION

### 7 CFR Chapter XIII

#### Notice of Special Meeting for Action on Proposed Rule

**AGENCY:** Northeast Dairy Compact Commission.

**ACTION:** Notice of special meeting for action on proposed rule.

**SUMMARY:** The Compact Commission will hold a Special Meeting to review comment on the Proposed Rule to adopt a compact over-order price regulation issued on April 28, 1997 and to debate whether to adopt the proposed rule as a final rule in light of the comment received. The Commission will also consider certain matters relating to administrative matters and the referendum procedure.

**DATES:** The meeting is scheduled for May 14, 1997 commencing at 10 am to adjournment.

**ADDRESSES:** The meeting will be held at the Holiday Inn, Capitol Conference Room, 172 North Main, Concord, NH. (Exit 14 off Interstate 93.)

**FOR FURTHER INFORMATION CONTACT:** Daniel Smith, Executive Director, Northeast Dairy Compact Commission, 43 State Street, PO Box 1058, Montpelier, VT, 05601-1058. Telephone 802-229-1941.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Northeast Dairy Compact Commission will hold a Special Meeting, pursuant to Article V(C)(3) of the Northeast Interstate Dairy Compact, to debate the adoption of a compact over-order price regulation as a final rule.

On April 16, 1997 the Northeast Dairy Compact Commission adopted a Proposed Rule to establish a Compact Over-Order Price Regulation, as published in 62 FR 23031, April 28, 1997. At the Special Meeting, the Compact Commission will consider the comment received on the proposed rule. The Commission will also debate

whether to adopt the proposed rule as a final rule, in light of the comment received.

The Commission will also consider and possibly act upon certain matters relating to its administrative operation and the referendum procedure.

**Authority:** (a) Article V, Section 11 of the Northeast Interstate Dairy Compact, and all other applicable Articles and Sections, as approved by Section 147, of the Federal Agricultural Improvement and Reform Act (FAIR ACT), Pub. L. 104-127, and as thereby set forth in S.J. Res. 28(1)(b) of the 104th Congress; Finding of Compelling Public Interest by United States Department of Agriculture Secretary Dan Glickman, August 8, 1996 and March 20, 1997.

(b) Bylaws of the Northeast Dairy Compact Commission, adopted November 21, 1996.

**Daniel Smith,**

*Executive Director.*

[FR Doc. 97-11844 Filed 5-6-97; 8:45 am]

BILLING CODE 1650-01-P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Parts 319, 321, and 330

[Docket No. 97-010-1]

#### Foreign Potatoes

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

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to amend our regulations concerning imported plants and plant products to prohibit the importation of potato tubers from Bermuda and to prohibit the importation of potato plants from Newfoundland and a portion of Central Saanich, British Columbia, Canada. These changes appear necessary to prevent the introduction of foreign potato diseases and insect pests into the United States. We are also proposing to reorganize and streamline the regulations concerning the importation of potatoes into the United States. These changes would remove unnecessary regulations and relieve restrictions that no longer appear warranted.

**DATES:** Consideration will be given only to comments received on or before July 7, 1997.

**ADDRESSES:** Please send an original and three copies of your comments to

Docket No. 97-010-1, 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. 97-010-1. 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:** Mr. James Petit de Mange, Staff Officer, Import-Export Team, PPQ, APHIS, 4700 River Road, Unit 140, Riverdale, MD 20737-1236; (301)-734-6799; fax (301)-734-5786; E-mail: jpdmanage@aphis.usda.gov.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations concerning the importation of foreign potato tubers are contained in 7 CFR part 321, Restricted Entry Orders, Subpart—Foreign Potatoes (referred to below as the Foreign Potatoes regulations). The Foreign Potatoes regulations allow the importation of potato tubers from Bermuda and Canada (except for Newfoundland and a portion of South Saanich, British Columbia) without restriction. The Foreign Potatoes regulations also contain provisions for importing potato tubers from other countries that are free of injurious potato diseases and insect pests that are new to or not widely distributed throughout the United States. At present there are no countries considered free of injurious potato diseases and insect pests except Bermuda and parts of Canada.

The regulations concerning the importation of foreign potato plants are contained in 7 CFR 319.37 through 319.37-14, Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products (referred to below as the Nursery Stock regulations). The Nursery Stock regulations prohibit the importation of potato plants from all parts of the world except Canada.

The regulations concerning the importation of most foreign fruits and vegetables are contained in 7 CFR 319.56 through 319.56-8, Subpart—Fruits and Vegetables (referred to below

as the Fruits and Vegetables regulations). The Fruits and Vegetables regulations refer readers to the Foreign Potatoes regulations for rules governing the importation of potatoes.

The Foreign Potatoes, Fruits and Vegetables, and Nursery Stock regulations are intended to prevent the introduction of foreign plant diseases and insect pests into the United States.

We are proposing to prohibit the importation of potato plants from Newfoundland and a portion of Central Saanich, British Columbia; Canada. As noted above, potato tubers are already prohibited importation into the United States from Newfoundland and South Saanich, British Columbia. The reference to South Saanich, British Columbia is incorrect; the reference should be to Central Saanich and we are changing "South Saanich" to "Central Saanich" in this proposed rule. Potato tubers are prohibited because of potato wart disease in Newfoundland and golden nematode in a portion of Central Saanich. Potato wart disease may be carried by both potato plants and potato tubers. Although golden nematode is associated with tubers, the Canadian government currently prohibits the movement of both potato plants and tubers from the affected portion of Central Saanich. This change would bring our regulations in line with Canada's prohibition and simplify the regulations. This action would have no impact on trade because Canada already prohibits the movement of potato plants and tubers from this portion of Central Saanich and Newfoundland. This change would be reflected in the Nursery Stock regulations, § 319.37-2(a), in the list of prohibited articles.

We are also proposing to prohibit the importation of potato tubers from Bermuda. Because Bermuda's regulations allow for the importation of seed potatoes from countries other than the United States and Canada, potato tubers grown in Bermuda could present a pest and disease risk if imported into the United States. This action will have little, if any, impact on trade, as there have been no requests to import potato tubers from Bermuda, no record of shipments of potato tubers from Bermuda, and Bermuda has no potato tuber production for export.

Further, we are proposing to move the prohibitions on the importation of potato tubers from Bermuda, parts of Canada (Newfoundland and a portion of Central Saanich, British Columbia), and all other parts of the world, from the Foreign Potatoes regulations to the Nursery Stock regulations (see proposed § 319.37-2(a)). In conjunction with this change, we propose to remove Restricted Entry Orders, Subpart—

Foreign Potatoes, since the remainder of the regulatory text appears to be unnecessary. As explained above, the remainder of this text contains provisions for importing potato tubers from countries other than Canada or Bermuda. The importation of potatoes from countries other than Canada or Bermuda is prohibited. This would consolidate the regulations for importing foreign potatoes into one place and eliminate provisions that are not being used. We would amend the Fruits and Vegetables regulations to refer readers to the Nursery Stock regulations, rather than the Foreign Potatoes regulations, for rules governing the importation of potatoes.

#### Miscellaneous

The Federal Plant Pest regulations, contained in 7 CFR part 330, regulate the movement into the United States, and interstate, of various materials, including soil, to prevent the dissemination of plant pests. Section 330.300a contains provisions concerning Canadian origin soil. The section refers to the Land District of South Saanich on Vancouver Island of British Columbia. The reference to "South Saanich" is incorrect and should be changed to "Central Saanich." We are proposing this change in this document.

#### Executive Order 12866 and Regulatory Flexibility Act

This proposed 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 proposed rule would move the prohibitions on importing potato tubers from part 321 to subpart 319.37, prohibit the importation of potato tubers from Bermuda, and prohibit the importation of potato plants from Newfoundland and a portion of Central Saanich, British Columbia, Canada. These actions are not expected to have any economic impact. There have been no requests to import potato tubers from Bermuda, no record of shipments of potato tubers from Bermuda, and Bermuda has no potato tuber production for export. Canada does not allow potato tubers or plants to move from Newfoundland or the portion of Central Saanich that would be covered by our proposed rule due to the presence of potato wart disease and golden nematode.

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 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will 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 new 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

##### 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

##### 7 CFR Part 321

Imports, Plant diseases and pests, Potatoes, Quarantine, Reporting and recordkeeping requirements.

##### 7 CFR Part 330

Customs duties and inspection, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly title 7, Chapter III, would be amended as follows:

#### PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 would continue to read as follows:

**Authority:** 7 U.S.C. 150dd, 150ee, 150ff, 151-167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 319.37-2 paragraph (a), the table would be amended by revising the entry for *Solanum* spp. (potato) to read as follows.

##### § 319.37-2 Prohibited Articles

(a) \* \* \*

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
* Solanum spp. (potato) (tuber bearing species only—Section Tuberarium), including potato tubers.	* All except Canada (except Newfoundland and that portion of the Municipality of Central Saanich in the Province of British Columbia east of the West Saanich Road.	* Andean potato latent virus; Andean potato mottle virus; potato mop top virus; dulcamara mottle virus; tomato blackring virus; tobacco rattle virus; potato virus Y (tobacco vein necrosis strain); potato purple top wilt agent; potato marginal flavescent agent; potato purple top roll agent; potato witches broom agent; stolbur agent; parastolbur agent; potato leaflet stunt agent; potato spindle tuber viroid; arracacha virus B; potato yellowing virus.
* *	* *	* *

\* \* \* \* \*

3. In § 319.56–2, footnote 1 and the reference to it would be removed, footnote 2 and the reference to it would be redesignated as footnote 1, and paragraph (c) would be revised to read as follows:

**§ 319.56–2 Restrictions on entry of fruits and vegetables.**

\* \* \* \* \*

(c) Fruits and vegetables grown in Canada may be imported into the United States without restriction under this subpart; *provided*, that potatoes from Newfoundland and that portion of the Municipality of Central Saanich in the Province of British Columbia east of the West Saanich Road are prohibited importation into the United States in accordance with § 319.37–2 of this part.

\* \* \* \* \*

**PART 321—RESTRICTED ENTRY ORDERS [REMOVED]**

Under the authority of 7 U.S.C. 136, 136a, 154, 159, and 162, 7 CFR, Chapter III, would be amended by removing “Part 321—Restricted Entry Orders.”

**PART 330—FEDERAL PLANT PEST REGULATIONS; GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE**

4. The authority citation for part 330 would be revised to read as follows:

**Authority:** 7 U.S.C. 147a, 150bb, 150dd–150ff, 161, 162, 164a, 450, 2260; 19 U.S.C. 1306; 21 U.S.C. 111, 114a; 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.22, 2.80, and 371.2(c).

5. In § 330.300a, the words “South Saanich” would be removed and the words “Central Saanich” would be added in their place.

Done in Washington, DC, this 1st day of May 1997.

**Donald W. Luchsinger,**

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

[FR Doc. 97–11886 Filed 5–6–97; 8:45 am]

BILLING CODE 3410–34–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 96–CE–53–AD]

RIN 2120–AA64

**Airworthiness Directives; The New Piper Aircraft, Inc. Model PA–38–112 Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to The New Piper Aircraft, Inc. (Piper) Model PA–38–112 airplanes with serial numbers (S/N) 38–80A0166 through 38–82A0122. The proposed action would require repetitively replacing the upper rudder hinge bracket, part number (P/N) 77610–03. Reports of fatigue cracks occurring on the upper rudder hinge bracket (P/N 77610–02), and the manufacture of a new upper rudder hinge bracket (P/N 77610–03) with a life limited improved design prompted the proposed action. The actions specified by the proposed AD are intended to prevent cracks in the upper rudder hinge bracket, which, if not detected and corrected, could result in separation of the rudder from the airplane and loss of control of the airplane.

**DATES:** Comments must be received on or before July 10, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, *Attention:* Rules Docket No. 96–CE–53–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from The

New Piper Aircraft Inc., Attn: Customer Service, 2926 Piper Dr., Vero Beach, Florida 32960. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christina Marsh, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Ave., suite 2–160, College Park, Georgia 30337–2748; telephone (404) 305–7362, facsimile (404) 305–7348.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket No. 96–CE–53–D.” The postcard will be date stamped and returned to the commenter.