

other than slaughter or a quarantined herd or quarantined feedlot. Making this rule effective immediately will allow producers of swine to use the gpl PCFIA test for the testing of nonvaccinated swine. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This 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 rule amends the pseudorabies regulations by adding the gpl PCFIA test to the list of official pseudorabies tests. This rule will allow the gpl PCFIA test to be used as an official pseudorabies test to qualify certain pseudorabies vaccinated swine for interstate movement to destinations other than slaughter or a quarantined herd or quarantined feedlot. Adding the gpl PCFIA test to the list of official pseudorabies tests will also allow its use for the testing on nonvaccinated swine.

The total U.S. inventory of hogs and pigs was approximately 56 million, valued at \$5.283 billion, in 1996. The gross income of the inventory was approximately \$11 billion. More than 99 percent of swine producers are considered to be small entities. According to the standard set by the Small Business Administration for agricultural producers, a producer with less than \$0.5 million annually in sales qualifies as a small entity.

Nearly 95 percent of the swine inventory within the United States has not yet achieved pseudorabies-free status. The addition of this new test will provide an extra choice of official pseudorabies test for those who raise swine, when a test is required for interstate movement. Testing costs will be incurred only when an owner chooses to move a gpl vaccinates interstate to destinations other than slaughter or a quarantined herd or quarantined feedlot, since pseudorabies vaccinated swine do not require a test prior to interstate movement for slaughter or to a quarantined herd or quarantined feedlot. The cost of the gpl PCFIA test is within the range of the currently available tests. The test is highly automated and those laboratories that have the test kit are expected to accomplish the testing on large numbers of samples with greater speed. The test results have been found to produce fewer false negatives, reducing the need for tracebacks. The positive effect of

having accurate results in a short time will be beneficial in all stages of pseudorabies eradication.

Allowing the use of the gpl PCFIA test to determine the pseudorabies status of nonvaccinated swine is not expected to have a significant economic impact on the owners of nonvaccinated swine, as it is only an additional pseudorabies testing tool to ensure the health of the U.S. swine population. It is likely, though, since the new gpl PCFIA test may be slightly higher in cost than other testing tools that are on the market, that most owners of nonvaccinated swine will continue using less expensive official pseudorabies tests until the cost of the gpl PCFIA test becomes comparable to that of other official tests.

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 new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 85

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

Accordingly, 9 CFR part 85 is amended as follows:

PART 85—PSEUDORABIES

1. The authority citation for part 85 continues to read as follows:

Authority: 21 U.S.C. 111, 112, 113, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 85.1 [Amended]

2. In § 85.1, in the definition of *official pseudorabies test*, in the second sentence, item 6 is amended by adding the words “, including the gpl PCFIA test” immediately after the word “Test”.

§ 85.6 [Amended]

3. Section 85.6 is amended as follows:

a. In paragraph (c)(2)(iii), the words “or a gpl Particle Concentration Fluorescence Immunoassay (PCFIA)” are added immediately after the word “(ELISA)”.

b. In paragraph (c)(2)(iv), the words “or the gpl PCFIA” are added immediately after the word “ELISA”.

c. In paragraph (c)(2)(v), the words “or the gpl PCFIA” are added immediately after the word “ELISA”.

Done in Washington, DC, on this 3rd day of April 1998.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–9377 Filed 4–8–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–140–AD; Amendment 39–10453; AD 98–08–04]

RIN 2120–AA64

Airworthiness Directives; AERMACCI S.p.A. Models S.208 and S.208A Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all AERMACCI S.p.A. Models S.208 and S.208A airplanes. This AD requires inspecting the landing gear rod springs to assure they are made with a wire diameter of 4.5 millimeters (mm), and replacing any that have a wire diameter of 4.0 mm. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Italy. The actions specified by this AD are intended to prevent failure of the landing gear caused by an insufficient wire diameter of the rod springs, which could result in loss of control of the airplane during landing operations.

DATES: Effective May 26, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director

of the Federal Register as of May 26, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from SIAI Marchetti S.p.A., Product Support Department, Via Indipendenza 2, 21018 Sesto Calende (VA), Italy; telephone: +39-331-929117; facsimile: +39-331-922525. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-140-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: David O. Keenan, Project Officer, FAA, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6934; facsimile: (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all AERMACCI S.p.A. Models S.208 and S.208A airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on February 2, 1998 (63 FR 5324). The NPRM proposed to require inspecting the landing gear rod springs to assure they are made with a wire diameter of 4.5 millimeters (mm), and replacing any that have a wire diameter of 4.0 mm. Accomplishment of the proposed action as specified in the NPRM would be in accordance with SIAI Marchetti S.p.A. Service Bulletin No. 205B59, dated July 29, 1995.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Italy.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD

and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 6 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 9 workhours per airplane to accomplish the action required by this AD, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$15 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$3,330, or \$555 per airplane. This figure is based on the presumption that all of the affected airplanes will have landing gear rod springs with an incorrect diameter, and will require replacement of these rod springs.

Regulatory Impact

The regulations adopted 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

98-08-04 AERMACCI S.P.A.: Amendment 39-10453; Docket No. 97-CE-140-AD.

Applicability: Models S.208 and S.208A airplanes, all serial numbers, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent failure of the landing gear caused by an insufficient wire diameter of the rod springs, which could result in loss of control of the airplane during landing operations, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, inspect the landing gear rod springs to assure they are made with a wire diameter of 4.5 millimeters (mm). Accomplish this inspection in accordance with SIAI Marchetti S.p.A. Service Bulletin No. 205B59, dated July 29, 1995.

(b) If any landing gear rod springs are found to have a wire diameter of 4.0 mm, prior to further flight after the inspection required by paragraph (a) of this AD, replace these rod springs with rod springs that have a wire diameter of 4.5 mm. Accomplish this replacement in accordance with the applicable maintenance manual.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to SIAI Marchetti S.p.A. Service Bulletin No. 205B59, dated July 29, 1995, should be directed to SIAI Marchetti S.p.A., Product Support Department, Via Indipendenza 2, 21018 Sesto Calende (VA), Italy; telephone: +39-331-929117; facsimile: +39-331-922525. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri.

(f) The inspection required by this AD shall be done in accordance with SIAI Marchetti S.p.A. Service Bulletin No. 205B59, dated July 29, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from SIAI Marchetti S.p.A., Product Support Department, Via Indipendenza 2, 21018 Sesto Calende (VA), Italy. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(g) This amendment becomes effective on May 26, 1998.

Issued in Kansas City, Missouri, on March 31, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-9114 Filed 4-8-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-249-AD; Amendment 39-10450; AD 98-08-01]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0070 and Mark 0100 series airplanes, that requires a one-time visual inspection to detect heat damage of the fuselage skin and stubwing structure. This proposal also would require either repetitive leak tests of the seals of the bleed air system, or repair of any heat-damaged structure, as necessary; and replacement of corrugated seals with new improved seals. This amendment is prompted by the issuance

of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent the leakage of hot air from the corrugated seals of the low- and high-pressure check valves located in the stubwings, which could result in heat damage to the fuselage skin and stubwing structure, and consequent reduced structural integrity of the airplane.

DATES: Effective May 14, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 14, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., Technical Support Department, P. O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0070 and Mark 0100 series airplanes was published in the **Federal Register** on November 28, 1997 (62 FR 63292). That action proposed to require a one-time visual inspection to detect heat damage of the fuselage skin and stubwing structure. That action also proposed to require either repetitive leak tests of the seals of the bleed air system, or repair of any heat-damaged structure, as necessary; and replacement of corrugated seals with new improved seals.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter, the Air Transport Association (ATA) of America, on behalf of one of its members, requests that the AD include a statement excluding aircraft previously inspected

and modified in accordance with the referenced Fokker service information. The ATA member indicates that it has already completed the inspection and modifications described in the service bulletins cited in the proposed AD. The FAA concurs that previously accomplished inspections and modifications need not be repeated; however, the commenters' concern in that regard was already addressed in the proposed AD by the statement, "Compliance: Required as indicated, unless accomplished previously." That language reappears in this final rule. Therefore, no change to the final rule is necessary.

Similarly, the ATA requests that a provision be added to exclude airplanes on which the intent of the proposed AD has already been accomplished, including repairs that were generated to repair damaged structure, in accordance with Fokker Service Bulletin SBF100-53-081, which is not referenced in the proposed rule.

The FAA concurs that replacements and repairs accomplished prior to the effective date of this AD in accordance with the service bulletin referenced by the commenter are acceptable provided that no seal has been subsequently replaced with a seal having part number BE20061 (Rolls-Royce part number 3405891). This final rule, therefore, includes a note stating that inspections for heat damage, leak tests, seal replacements, and repairs accomplished prior to the effective date of this AD, in accordance with Fokker Service Bulletin SBF100-53-081, dated July 7, 1995, are considered acceptable for compliance with the requirements of this AD, provided that no seal has been subsequently replaced with a seal having part number BE20061 (Rolls-Royce part number 3405891).

The ATA, on behalf of another commenter, requests that a provision be added to allow the leak tests to be omitted if the inspection reveals no heat damage and if, prior to further flight, the corrugated seals at the seventh stage low pressure check valve and twelfth stage high pressure check valves are replaced with the improved corrugated seals. The commenter states that accomplishment of these actions is similar to the optional method of complying with Fokker Service Bulletin SBF100-53-084.

The FAA concurs with the commenter's request. The FAA agrees that, if the inspection required by paragraph (a) of this AD reveals no heat damage, and if, prior to further flight, all affected corrugated seals are replaced with the improved corrugated seals, then accomplishment of the leak tests is not necessary. The FAA has revised and