

DEPARTMENT OF AGRICULTURE**Food Safety and Inspection Service****9 CFR Parts 331 and 381**

[Docket No. 99-036F]

Designation of the State of Alaska Under the Federal Meat Inspection Act and the Poultry Products Inspection Act**AGENCY:** Food Safety and Inspection Service, USDA.**ACTION:** Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing that representatives of the State of Alaska have advised the Department of Agriculture that, because of a lack of funding, the State of Alaska will stop administering its State meat and poultry inspection programs after July 30, 1999. FSIS is mandated by law to assume responsibility for administering the meat and poultry inspection programs with respect to operations and transactions within Alaska. Therefore, in accordance with the law, the Secretary of Agriculture is designating the State of Alaska to receive Federal inspection with respect to operations and transactions within the State, and FSIS is amending the Federal meat and poultry inspection regulations by adding Alaska to the list of "designated" States.

EFFECTIVE DATE: This final rule will be effective on July 31, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. William Leese, Director, Federal-State Relations Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700 at (202) 418-8897.

SUPPLEMENTARY INFORMATION:**Background**

Under section 301 of the Federal Meat Inspection Act (FMIA) and section 5 of the Poultry Products Inspection Act (PPIA), a State may administer State meat and poultry inspection programs provided that it has developed and is effectively enforcing State meat and poultry inspection requirements at least equal to those imposed under titles I and IV of the FMIA and sections 1-4, 6-10, and 12-22 of the PPIA (collectively referred to below as "the titles"). These titles contemplate continuous ongoing programs. When States can no longer effectively enforce meat and poultry inspection requirements at least equal to Federal requirements, they must be "designated" by the Secretary to receive Federal inspection.

In accordance with the FMIA and PPIA, the Secretary had determined that the State of Alaska had developed and was enforcing State meat and poultry inspection requirements for establishments at least equal to Federal meat and poultry inspection requirements under the titles. However, on June 14, 1999, representatives of the State of Alaska notified FSIS that, because of a lack of funding, Alaska will no longer continue to administer its State meat and poultry inspection programs after July 30, 1999. The representatives have requested that the Department assume responsibility for the meat and poultry inspection programs.

In view of the termination date, FSIS has determined that the State of Alaska would not effectively enforce requirements at least equal to those imposed under the titles. Therefore, the Secretary of Agriculture must designate the State of Alaska under section 301(c)(3) of the FMIA and section 5(c)(3) of the PPIA. On and after July 31, 1999, the provisions of the titles will apply to operations and transactions within the State of Alaska, unless exempt under sections 23 or 301(c)(2) of the FMIA or sections 5(c)(2) or 15 of the PPIA.

Owners or operators of Alaska's meat and poultry establishments wishing to continue operations after July 30, 1999, must contact the FSIS District Office in Salem, Oregon, in order to receive Federal inspection. This office will provide information concerning requirements and exemptions under the FMIA and the PPIA, applications for inspection, and requests for surveys of establishments. Address correspondence to USDA/FSIS District Office, 530 Center Street, NE, Mezzanine Level, Salem, Oregon 97301.

The Administrator, FSIS, has determined that there is good cause for issuing this final rule without prior notice and opportunity for public comment. Because the State of Alaska has advised FSIS that its State-operated meat and poultry inspection programs will be discontinued, the Agency is mandated by law to assume the responsibilities for administering the meat and poultry inspection programs. It is necessary, therefore, to designate the State of Alaska immediately, in accordance with section 301(c)(3) of the FMIA and section 5(c)(3) of the PPIA, in order to carry out the Secretary's responsibilities under the FMIA and PPIA.

In addition, it does not appear that additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the

administrative procedures in 5 U.S.C. 553, FSIS finds good cause to conclude that notice and other public procedures are impracticable and contrary to the public interest.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been determined to be not significant under Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

The Administrator, FSIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). The U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Alaska, of administering the meat and poultry inspection programs with respect to operations and transactions within the State of Alaska. This action will affect approximately 13 State meat and poultry establishments that require inspection in Alaska, most, if not all, of which may be presumed to be very small businesses. However, this is not a substantial number of establishments given the approximately 5,790 very small meat and very small poultry establishments nationwide, which are either federally or State inspected. In addition, the application of certain Federal facility and other requirements will be flexible, and each facility will be reviewed with regard to the circumstances peculiar to that establishment. Further, it is not anticipated that significant costs will be incurred by these Alaska establishments as a result of this action.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) preempts State and local laws and regulations that are inconsistent 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. However, the administrative procedures specified in 9 CFR 306.5 and 381.35 must be exhausted prior to any judicial challenge of the application of the provisions of this rule, if the challenge involves any decision of an FSIS employee relating to inspection services provided under the FMIA or the PPIA.

Paperwork Requirements

This rule has been reviewed under the Paperwork Reduction Act and imposes

no new paperwork or recordkeeping requirements.

List of Subjects

9 CFR Part 331

Meat inspection.

9 CFR Part 381

Poultry and poultry products.

Accordingly, 9 CFR parts 331 and 381 are amended as follows:

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

1. The authority citation for part 331 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

§ 331.2 [Amended]

2. The table in § 331.2 is amended in the “State” column by adding “Alaska” as the first entry immediately above “Arkansas” and in the “Effective date of application of Federal provisions” column, by adding “July 31, 1999” on the line with “Alaska.”

§ 331. [Amended]

3. The table in § 331.6 is amended by adding “Alaska” as the first entry immediately above “Arkansas” under the “Sections of act and regulations” columns titled “Act, section 202; §§ 320.1, 320.2, 320.3, and 320.4,” “Act, 203; § 320.5,” and “Act, 204; §§ 325.20 and 325.21” and in the “Effective date of designation” column by adding “July 31, 1999” on the line with “Alaska.”

PART 381—POULTRY PRODUCTS INSPECTION

4. The authority citation for part 381 continues to read as follows:

Authority: 7 U.S.C. 138f, 450; 21 U.S.C. 451–470; 7 CFR 2.18, 2.53.

§ 381.221 [Amended]

5. The table in § 381.221 is amended in the “States” column by adding “Alaska” as the first entry immediately above “Arkansas” and in the “Effective date of application of Federal provisions” column, by adding “July 31, 1999,” on the line with “Alaska.”

§ 381.224 [Amended]

6. The table in § 381.224 is amended by adding “Alaska” as the first entry immediately above “Arkansas” under the “Paragraphs of act and regulations” columns titled “Act, 11(b); §§ 381.175–381.178,” “Act, 11(c); § 381.179,” and

“Act, 11(d); 381.194” and in the “Effective date” column by adding “July 31, 1999” on the line with “Alaska.”

Done at Washington, DC, on: July 7, 1999.

Thomas J. Billy,
Administrator.

[FR Doc. 99–17737 Filed 7–12–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–ANE–23; Amendment 39–11219; AD 99–14–08]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Pratt & Whitney (PW) JT9D series turbofan engines, that currently requires initial and repetitive inspections of the sixth stage low pressure turbine (LPT) inner airseal, and modification of the sixth stage LPT inner airseal to reduce the potential for two failure modes. This amendment requires additional repetitive borescope inspections for sixth stage LPT inner airseals found with cracks less than one inch in length. This amendment is prompted by the publication of a revision to a PW service bulletin that introduces the new borescope inspections. The actions specified by this AD are intended to prevent an uncontained failure of the sixth stage LPT inner airseal, which can result in damage to the aircraft.

DATES: Effective September 13, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 13, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–8770, fax (860) 565–4503. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA 01803–5299; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tara Goodman, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7130, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94–10–09, Amendment 39–8916 (59 FR 36047, July 15, 1994), applicable to Pratt & Whitney (PW) JT9D series turbofan engines, was published in the **Federal Register** on September 9, 1998 (63 FR 48138). That action proposed to add, at intervals not to exceed 50 cycles in service (CIS) since last inspection, additional repetitive borescope inspections for sixth stage LPT inner airseals found with cracks less than one inch in length, in accordance with PW Service Bulletin (SB) No. 5978, Revision 4, dated May 6, 1998.

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

Two commenters state they are not affected by the proposed rule.

One commenter states that it is not affected by the proposed changes to the current AD.

The FAA has switched the placement of paragraphs (b) and (c) of the proposed rule in order to emphasize that rework of the 6th stage LPT inner airseal rear retaining wing must be performed prior to further flight, but that even after rework, the required ECI or borescope inspections must be performed until installation of an improved 6th stage inner airseal. Therefore, proposed paragraph (b) appears as paragraph (c) in the final rule, and proposed paragraph (c) as paragraph (b). After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with this change. The FAA has determined that this change neither increases the economic burden on any operator nor increases the scope of the AD.

There are approximately 566 engines of the affected design in the worldwide fleet. The FAA estimates that 157 engines installed on aircraft of U.S. registry will be affected by this AD, that it will take approximately 2.1 work hours per engine to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$19,782.