

amendments we are making to the rule as a result of the comments.

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 interim rule amends the Medfly regulations by removing a portion of Riverside and Orange Counties, CA, from quarantine for Medfly. This action affects the interstate movement of regulated articles from this area. We estimate that there are 75 entities in the quarantined area of Riverside and Orange Counties, CA, that sell, process, handle, or move regulated articles; this estimate includes 26 fruit sellers, 16 nurseries, 26 growers, 4 packing houses, 2 certified farmer's markets, and 1 swapmeet. The number of these entities that meet the U.S. Small Business Administration's (SBA) definition of a small entity is unknown, since the information needed to make that determined (i.e., each entity's gross receipts or number of employees) is not currently available. However, it is reasonable to assume that most of the 75 entities are small in size, since the overwhelming majority of businesses in California, as well as the rest of the United States, are small entities by SBA standards.

The effect of this action on small entities should be minimally positive, as they will no longer be required to treat articles to be moved interstate for Medfly.

Therefore, termination of the quarantine of that portion of Riverside and Orange Counties, CA, should have a minimal economic effect on the small entities operating in this area. We anticipate that the economic impact of lifting the quarantine, though positive, will be no more significant than was the minimal impact of its imposition.

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 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.

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.*).

List of Subjects in 7 CFR Part 301

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

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

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

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.78–3, paragraph (c), the entry for California is amended by removing the entry for Riverside and Orange Counties.

Done in Washington, DC, this 16th day of August 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 98–110–1]

RIN 0579–AB11

Importation of Gypsy Moth Host Material From Canada

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are establishing regulations for the importation into the United States of gypsy moth host materials from Canada due to

infestations of gypsy moth in the Provinces of British Columbia, New Brunswick, Nova Scotia, Ontario, and Quebec. These regulations require trees without roots (e.g., Christmas trees), trees with roots, shrubs with roots and persistent woody stems, logs and pulpwood with bark attached, outdoor household articles, and mobile homes and their associated equipment to meet specified certification or destination requirements if they are intended to be moved into or through areas of the United States that are not infested with gypsy moth. This action is necessary on an emergency basis to prevent the introduction of gypsy moth into noninfested areas of the United States.

DATES: Interim rule effective August 23, 1999. Consideration will be given only to comments received on or before October 22, 1999.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98–110–1, 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. 98–110–1. 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, Operations Officer, Domestic and Emergency Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236, (301) 734–8247; or e-mail: Coanne.E.O'Hern@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a destructive pest of forest and shade trees. The Animal and Plant Health Inspection Service (APHIS) has regulated the interstate movement of gypsy moth host materials from areas of the United States that are generally infested with gypsy moth through its domestic quarantine notices (see 7 CFR 301.45 through 301.45–12), but had not, until now, established specific regulations in our foreign quarantine notices regarding the importation into the United States of gypsy moth host materials from foreign countries.

In each of the last 4 years, Vancouver Island in the Canadian Province of British Columbia has experienced an increase in the number of gypsy moths

trapped. In 1998, the Environmental Appeals Board of British Columbia prevented the Canadian Food Inspection Agency (CFIA) from conducting its aerial spraying program to eradicate gypsy moth. That aerial spraying program was replaced by ground treatments limited to certain areas. However, the results of the CFIA's 1998 gypsy moth trapping survey show that the ground treatments were not effective in eradicating gypsy moth from Vancouver Island. We believe that it is necessary to establish regulations regarding the importation of gypsy moth host materials from Canada because the established populations of gypsy moth on Vancouver Island pose a risk of introducing gypsy moth into the noninfested areas of the western United States.

Further, gypsy moth has been established for many years in certain areas of the Canadian Provinces of New Brunswick, Nova Scotia, Ontario, and Quebec. Until this time, however, we have not established specific regulations in our foreign quarantine notices regarding the importation of gypsy moth host materials from those provinces. Rather, we have used our authority under the emergency provisions of the Federal Plant Pest Act (7 U.S.C. 150dd) as the basis for the actions we have taken to prevent the introduction of gypsy moth from those areas into noninfested areas of the United States. The import conditions to which gypsy moth host materials from these infested areas have been subjected are the same as the importation requirements we believe are necessary for gypsy moth host materials from infested areas of Vancouver Island, British Columbia. This interim rule addresses the importation of gypsy moth host materials from the infested areas of Ontario, New Brunswick, Nova Scotia, and Quebec, as well as Vancouver Island.

Therefore, we are establishing a new "Subpart—Gypsy Moth Host Material from Canada" (§§ 319.77–1 through 319.77–5), which is described below, in our foreign quarantine notices in 7 CFR part 319 to provide regulations for the importation of gypsy moth host materials from Canada.

Definitions

In § 319.77–1, we define the terms used in the subpart. Five of the terms defined—*Animal and Plant Health Inspection Service (APHIS)*, *gypsy moth*, *mobile home*, *outdoor household articles*, and *recreational vehicles*—are also defined in our domestic gypsy moth regulations and are used for the same purposes in the new subpart.

Three other terms—*import (imported, importation)*, *phytosanitary certificate*, and *United States*—are not applicable to the domestic gypsy moth regulations and have, therefore, been drawn from other foreign quarantine regulations in part 319.

We are defining *certificate of origin* as: "A document issued by an official authorized by the national government of Canada that states the area in which a regulated article was produced or grown and includes any other required additional declarations." This type of document is already issued in Canada for the movement of gypsy moth host materials (i.e., regulated articles) between infested and noninfested areas, and will, as explained below, be required for regulated articles being imported into the United States when those articles will be moved into or through noninfested areas of the United States.

Finally, we are defining four terms that are used in § 319.77–4, "Conditions for the importation of regulated articles," to make the requirements of that section clearer and thus easier to read and follow. The requirements in § 319.77–4 for importing regulated articles from Canada will differ based on whether the regulated articles originated in an infested or noninfested area of Canada and whether the regulated articles are being moved into or through an infested or noninfested area of the United States. To preclude the need for repeated references to, for example, "an area of the United States known to be infested with gypsy moth, as listed in § 301.45–3 of this chapter," we use the term "U.S. infested area" to simplify the reference. The other terms serve a similar purpose. Specifically, these four definitions are:

- *Canadian noninfested area*. Any area of Canada that is not listed as a gypsy moth infested area in § 319.77–3 of this subpart.
- *Canadian infested area*. Any area of Canada listed as a gypsy moth infested area in § 319.77–3 of this subpart.
- *U.S. noninfested area*. Any area of the United States that is not listed as a gypsy moth generally infested area in § 301.45–3 of this chapter.
- *U.S. infested area*. Any area of the United States listed as a gypsy moth generally infested area in § 301.45–3 of this chapter.

Regulated Articles

Section 319.77–2 lists the gypsy moth host materials that are designated as regulated articles in order to prevent the spread of gypsy moth from Canada into noninfested areas of the United States. Those regulated articles may be

imported into the United States from Canada only under the conditions described in § 319.77–4, "Conditions for the importation of regulated articles."

The regulated articles listed in § 319.77–2, with one exception, are the same as the ones listed in the domestic gypsy moth regulations. The regulated articles under our domestic gypsy moth regulations are: Trees without roots (e.g., Christmas trees), unless greenhouse-grown throughout the year; trees with roots, unless greenhouse-grown throughout the year; shrubs with roots and persistent woody stems, unless greenhouse-grown throughout the year; logs; pulpwood; wood chips; outdoor household articles; mobile homes and their associated equipment; and other articles determined to present a high risk of spreading gypsy moth. The exception to this list that appears in § 319.77–2 is a specification that logs and pulpwood must have bark attached to be considered regulated articles. We added the specification "with bark attached" because gypsy moths lay their eggs on the bark of trees. Therefore, we believe that removal of the bark from logs and pulpwood greatly reduces the risk of introducing gypsy moth. In the near future, we intend to propose a similar exception for logs and pulpwood without bark for the domestic gypsy moth regulations.

These regulated articles have been identified as presenting a risk of introducing gypsy moth into noninfested areas when they are moved from infested areas without inspection or treatment.

Gypsy Moth Infested Areas in Canada

Section 319.77–3 lists those areas of Canada known to be infested with gypsy moth. The descriptions of those infested areas, which are in the Provinces of British Columbia, New Brunswick, Nova Scotia, Ontario, and Quebec, were provided to APHIS by CFIA and are set out fully in § 319.77–3 in the rule portion of this document.

Conditions for the Importation of Regulated Articles

Section 319.77–4 sets out the conditions for the importation of regulated articles into the United States from Canada. These conditions focus on regulated articles from Canada that are destined for a noninfested area of the United States or that will be moved through a noninfested area of the United States en route to their destination. When the articles are from a Canadian infested area, we require that they be thoroughly inspected and found free of gypsy moth or treated for gypsy moth, and that the action taken be

documented on a Canadian phytosanitary certificate. Inspection or treatment is also required under our domestic gypsy moth regulations; both have proven to be effective methods of preventing the spread of gypsy moth. When the articles are from a Canadian noninfested area, we require that they be accompanied by a Canadian certificate of origin to confirm that they did not originate in a gypsy moth infested area. As noted previously, this type of document is already issued in Canada for the movement of gypsy moth host material between infested and noninfested areas in that country. When certain regulated articles have been greenhouse-grown throughout the year or when regulated articles are destined for an area of the United States that is infested with gypsy moth and will not be moved through any noninfested areas, then the articles may be imported into the United States without restriction under this subpart. (We will be able to determine whether an article has been greenhouse-grown because greenhouse-grown products from Canada are subject to the labeling requirements in 7 CFR 319.37-4(c).) The requirements described in this paragraph are discussed below in more detail.

Trees and Shrubs

Paragraph (a) of § 319.77-4 addresses the importation of trees without roots (e.g., Christmas trees), trees with roots, and shrubs with roots and persistent woody stems. Trees or shrubs that have been greenhouse-grown throughout the year, and thus protected from gypsy moth infestation, or that are destined for a U.S. infested area and will not be moved through any U.S. noninfested areas, may be imported from any area in Canada without restriction under the subpart.

Trees or shrubs originating in a Canadian infested area that are to be moved into or through a U.S. noninfested area may be imported if they are accompanied by an officially endorsed Canadian phytosanitary certificate. The phytosanitary certificate must include an additional declaration confirming that the trees or shrubs have been inspected and found free of gypsy moth or that they have been treated for gypsy moth.

Trees or shrubs originating in a Canadian noninfested area that are to be moved into or through a U.S. noninfested area may be imported if they are accompanied by a certificate of origin stating that they were produced in an area of Canada where gypsy moth is not known to occur.

Finally, because trees and shrubs from Canada that are capable of propagation may also be subject to restrictions under our regulations in "Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products" (7 CFR 319.37 through 319.37-14), § 319.77-4(a) includes a footnote informing the reader of those other requirements.

Logs and Pulpwood

Paragraph (b) of § 319.77-4 addresses logs and pulpwood with bark attached. Logs and pulpwood that are destined for a U.S. infested area and will not be moved through any U.S. noninfested areas may be imported from any area in Canada without restriction under the subpart.

Logs or pulpwood originating in a Canadian infested area that are to be moved into or through a U.S. noninfested area must meet one of two requirements for importation: (1) They must be accompanied by an officially endorsed Canadian phytosanitary certificate that includes an additional declaration confirming that they have been inspected and found free of, or treated for, gypsy moth; or (2) they must be moved to a specified U.S. processing plant or mill under compliance agreement with APHIS for specified handling or processing that will mitigate the risk of gypsy moth.

Logs or pulpwood originating in a Canadian noninfested area that are to be moved into or through a U.S. noninfested area must be accompanied by a certificate of origin stating that they were produced in an area of Canada where gypsy moth is not known to occur.

Finally, because logs from Canada are also subject to restrictions under our regulations in "Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles" (7 CFR 319.40 through 319.40-11), § 319.77-4(b) includes a footnote informing the reader of those other requirements.

Outdoor Household Articles and Mobile Homes

Paragraph (c) of § 319.77-4 addresses the importation of outdoor household articles and mobile homes and their associated equipment. Those regulated articles may be imported without restriction under the subpart if they are being moved from a Canadian noninfested area. They may also be imported without restriction under the subpart if they are being moved from a Canadian infested area, are destined for a U.S. infested area, and will not be moved through any U.S. noninfested areas.

Outdoor household articles and mobile homes and their associated equipment that are being moved from a Canadian infested area into or through a U.S. noninfested area must be accompanied by a statement, signed by their owner, that they have been inspected by the owner and found free of gypsy moth. This signed statement will act as a signal to U.S. authorities at the United States/Canada border that the owner is aware of the requirements, has inspected the outdoor household articles or mobile home and its associated equipment, and has not found gypsy moth. U.S. authorities at the border will collect these signed statements. However, if the item being imported is determined to be high risk (e.g., an older mobile home that has been sitting in one place for a number of years), then the outdoor household articles or mobile home and its associated equipment may be re-inspected by U.S. authorities at the border. Requiring pre-inspection by the owner should minimize cases where such outdoor household articles or mobile homes and their associated equipment brought to the border are not allowed entry into the United States because of the presence of gypsy moth. The domestic gypsy moth regulations do not provide for owner inspection of mobile homes; however, this rule does allow for owner inspection of mobile homes entering the United States from Canada. The questions asked at the border, along with the provision for secondary inspections at the border, are added safeguards used to complement the self-inspection.

Disposition of Regulated Articles Denied Entry

Under § 319.77-5, any article that is refused importation for noncompliance with the regulations must be promptly safeguarded or removed from the United States to prevent the article from introducing gypsy moth into noninfested areas of the United States. This section explains that when such articles are not promptly safeguarded or removed from the United States, they may be seized, destroyed, or otherwise disposed of by APHIS as authorized by section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd and 150ff).

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is

necessary because of gypsy moth outbreaks in western Canada. Further, gypsy moths will soon start depositing their egg masses on articles routinely moved into the United States. Thus, there is an increased possibility that the gypsy moth could be introduced into noninfested areas of the United States, where it could cause economic losses due to defoliation of susceptible forest and shade trees. Although we could use our authority under the Federal Plant Pest Act to impose import conditions at the U.S./Canadian border for regulated articles from western Canada as we have been doing for such articles from eastern Canada, we believe that promulgating regulations at this time will provide a much more effective means of preventing the introduction of gypsy moth into noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective upon publication in the **Federal Register**. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 603, we have prepared an Initial Regulatory Flexibility Analysis, which is set out below, regarding the impact of this interim rule on small entities. The discussion also serves as our cost-benefit analysis under Executive Order 12866. Based on the information we have, there is no basis to conclude that this rule will result in any significant economic impact on a substantial number of small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the economic impacts of this rule on small entities. Therefore, we are inviting comments on potential economic impacts. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this rule.

Under the Federal Plant Pest Act (7 U.S.C. 150aa–150jj) and the Plant Quarantine Act (7 U.S.C. 151–165 and 167), the Secretary of Agriculture is authorized to regulate the importation of plants, plant products, and other articles to prevent the introduction of injurious plant pests.

This rule establishes regulations for the importation into the United States of gypsy moth host materials from Canada due to infestations of gypsy moth in the Provinces of British Columbia, New Brunswick, Nova Scotia, Ontario, and Quebec. These regulations require regulated articles—trees without roots (e.g., Christmas trees), trees with roots, shrubs with roots and persistent woody stems, logs and pulpwood with bark attached, outdoor household articles, and mobile homes and their associated equipment—to meet certain certification or destination requirements if they are to be moved from Canada into or

through areas of the United States that are not infested with gypsy moth.

The United States engages in a great deal of trade in live trees, live plants, and rough wood. In 1998, the United States imported approximately \$231 million worth of the type of nursery products covered by this rule and exported approximately \$160 million worth of those products. In that same year, U.S. imports of rough wood, including logs, pulpwood, and wood chips, were worth approximately \$141 million, while exports were worth approximately \$1.8 billion.

Canada is the major source for U.S. imports of live trees, live plants, and rough wood covered by this rule. In 1998, Canada accounted for more than 80 percent of U.S. imports of these live trees and plants and for nearly 90 percent of U.S. imports of this rough wood. The Canadian provinces affected by this rule change account for the vast majority of Canadian exports of live trees, live plants, and rough wood to the United States, as shown in the table below. All figures in the table are rounded to the first decimal place. Therefore, “0.0” represents imports valued at \$50,000 or less. Also, for certain commodities, slight discrepancies exist between the sum of the individual province columns and the “Total for Canada” column because of differences in the data published by Statistics Canada and the U.S. Department of Commerce. It is also important to note that these values represent imports from each province, whereas the infested areas are smaller areas contained within the provinces. Thus, the values listed are conservatively high estimates provided to put into perspective the volume of potential host materials moving across the border.

1998 U.S. IMPORTS OF LIVE TREES, LIVE PLANTS, AND ROUGH WOOD
[in millions of U.S. dollars]

Export good	Canadian provinces with invested areas					Canadian noninfested areas							Total U.S. imports	
	British Columbia	New Brunswick	Nova Scotia	Ontario	Quebec	Alberta	Manitoba	Newfoundland	North-West Territories	Prince Edward Island	Saskatchewan	Yukon	Total for Canada	Total for World
60220	0.3	.....	2.3	7.1	1.7	0.0	.....	.....	.....	0.3	.....	.....	11.5	12.2
60230	0.2	0.0	.....	2.2	.....	.....	.....	.....	.....	.....	.....	.....	2.4	2.4
60290	22.5	10.4	0.8	97.4	4.7	0.2	0.4	.....	.....	0.3	0.0	.....	132.9	162.2
60491	2.5	14.0	7.6	1.4	16.6	0.8	.....	0.0	.....	0.0	0.0	.....	40.6	54.6
440110	1.4	.....	.....	1.9	0.3	0.0	.....	.....	.....	.....	.....	.....	3.5	3.9
440121	20.6	0.0	.....	0.8	0.4	.....	0.0	.....	.....	.....	.....	.....	21.8	24.2
440122	3.0	.....	.....	2.0	0.1	.....	.....	.....	.....	.....	.....	.....	5.0	5.5
440320	44.7	8.9	1.7	5.6	1.6	5.5	0.0	.....	0.1	0.1	0.6	.....	66.8	73.9
440341 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0.0
440349 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0.6
440391 .....	.....	0.0	.....	0.7	0.0	.....	.....	.....	.....	.....	.....	.....	0.7	1.6
440392 .....	.....	.....	.....	0.0	.....	.....	.....	.....	.....	.....	.....	.....	0.0	0.2
440399	1.0	3.2	0.7	23.3	1.6	0.0	0.4	.....	.....	.....	0.1	.....	29.0	31.0

Notes: The six digit numbers in the “Export Good” column denote the harmonized system for classifying commodities in trade. These digits represent classes of live trees, live plants, and rough wood. The commodities included under each number are as follows:

60220, edible fruit or nut trees, shrubs, and bushes

60230, rhododendrons and azaleas, grafted or not

60290, live plants, cuttings, and slips that are not elsewhere specified

60491, foliage, branches, etc., and Christmas trees
 440110, fuel wood (in logs, billets, twigs, etc.)
 440121, wood in chips or particles, coniferous
 440122, wood in chips, or particles, nonconiferous
 440320, coniferous wood in the rough, not treated
 440341, light/dark meranti and meranti bakau in the rough
 440349, other tropical wood in the rough, with or without bark (or roughly squared) and not treated
 440391, oak wood in the rough, not treated
 440392, beech wood in the rough, not treated
 440399, nonconiferous wood in the rough, not treated, that is not elsewhere specified
 The symbol "—" means that no imports occurred.

Given the destructive potential of gypsy moth, as well as the vast forest resources in the United States, it is likely that the further spread of that pest in the United States as a result of the unrestricted movement of gypsy moth host material from infested areas in Canada would have a negative impact on the noninfested areas of the United States. The impacts that are likely as gypsy moth spreads into new areas include growth loss in timber; fewer visitors and loss of revenues in recreation areas; costs of increased Federal, State, and local government control activities against gypsy moth; and costs to landowners.

Over the last 5 years, APHIS alone has spent more than \$30 million on gypsy moth control, eradication, regulatory, and survey activities. In fiscal year 1998, State and local government agencies in Oregon, Utah, and Washington, which are noninfested States, spent more than \$1 million to eradicate gypsy moth infestations to prevent this pest from becoming established in those States.

Entities Affected

As a result of this rule, trees without roots (e.g., Christmas trees), trees with roots, and shrubs with roots and persistent woody stems (unless greenhouse-grown throughout the year) that are being moved from a Canadian infested area into or through a U.S. noninfested area will have to be accompanied by a Canadian phytosanitary certificate that includes an additional declaration confirming that the trees or shrubs have been inspected and found free of gypsy moth or treated in accordance with the regulations. If the trees or shrubs are being moved from a Canadian noninfested area into or through a U.S. noninfested area, they must be accompanied by a Canadian certificate of origin stating where the trees were produced in Canada. The rule also requires that logs and pulpwood with bark attached that are being moved from a Canadian infested area into or through a U.S. noninfested area must be: (1) Accompanied by a Canadian phytosanitary certificate that includes an additional declaration confirming that the logs and pulpwood have been inspected and found free of gypsy moth or have been treated, or (2) destined for

a specified U.S. processing plant or mill that is under a compliance agreement with APHIS for specified handling or processing.

Therefore, this rule will affect entities engaged in the international movement of regulated articles from Canada into the United States. The restrictions will primarily affect those entities that move trees without roots (e.g., Christmas trees), trees with roots, shrubs with roots and persistent woody stems, logs and pulpwood with bark attached, outdoor household articles, and mobile homes and their associated equipment from Canadian infested areas into or through U.S. noninfested areas. However, because of this rule's certificate of origin requirement, entities moving regulated articles into or through U.S. noninfested areas from noninfested areas of Canada will also be affected to a limited extent.

This rule will require the issuance of some new phytosanitary certificates, but we expect that it will be a relatively small number. This is because all trees with roots and shrubs with roots and persistent woody stems imported from Canada into the United States are already required to obtain a Canadian phytosanitary certificate under the regulations at 7 CFR 319.37. This rule would simply require an additional declaration to that certificate, not a new certificate, for those products moving from a Canadian infested area to a U.S. noninfested area. Likewise, trees without roots (e.g., Christmas trees), logs with bark attached, and pulpwood with bark attached that are imported from Canadian infested areas would not need a phytosanitary certificate if they are either: (1) imported from a Canadian noninfested area to a U.S. noninfested area; (2) imported from a Canadian noninfested area to a U.S. infested area; (3) imported from a Canadian infested area to a U.S. infested area; or (4) imported from any area of Canada to a specified U.S. processing plant or mill under compliance agreement with APHIS for specified handling or processing. The only commodities that would need a new Canadian phytosanitary certificate under the provisions of this rule are trees without roots, logs with bark attached, and pulpwood with bark attached from a Canadian infested area to a U.S. noninfested area that are not destined

for a specified U.S. processing plant or mill under compliance agreement with APHIS for specified handling or processing.

This rule will also require the issuance of certificates of origin. The certificate of origin is a new requirement for regulated articles moving from Canadian noninfested areas to U.S. noninfested areas. The certificate of origin will state where the articles were produced.

The information we have concerning the costs of Canadian phytosanitary certificates is for greenhouse products. Canadian phytosanitary certificates for greenhouse products require processing time, in addition to an inspection cost of \$15 to \$30, and a \$5 fee per shipment (shown in Canadian dollars; these amounts are equivalent to \$10, \$20, and \$3.26, respectively, in U.S. dollars). We expect phytosanitary certificates issued for the products affected by this rule to have similar costs and certificates of origin to cost less. We estimate that, as a result of this rule, 100 shipments per year will require Canadian phytosanitary certificates, and 100 shipments per year will require certificates of origin. That would result in total inspection costs averaging approximately \$2,326 (U.S. dollars) per year for phytosanitary certificates, and, as stated above, certificates of origin would likely cost less than that amount. Therefore, we expect that a total of less than \$4,650 (U.S. dollars) would be spent in inspection costs as a result of obtaining new Canadian phytosanitary certificates and certificates of origin for the products affected by this rule. However, we do not have information on the number and size of entities in Canada and the United States that will be affected by this rule.

This rule also requires individual and commercial movers of outdoor household articles, including recreational vehicles, and mobile homes and their associated equipment moving from infested areas of Canada into noninfested areas of the United States to provide a statement signed by the owner that the articles have been inspected and found free of gypsy moth. The use of self-inspections should minimize the costs associated with the importation of these items. Most individual homeowners who reside in areas of the United States quarantined because of

gypsy moth and who move their own articles currently choose to self-inspect and issue the signed statement for the movement of their outdoor household articles. This process takes a few minutes for each item and involves no monetary cost unless treatment is necessary. For commercial movers, self-issuing documents could help avoid the costs of delays, but could still result in costs associated with time, salary, and recordkeeping for the self-inspections.

When inspection reveals the presence of gypsy moth, the individual in possession of the infested articles must either return the articles to their place of origin, treat them, or destroy them. Loads of trees without roots (e.g., Christmas trees), trees with roots, shrubs with roots and persistent woody stems, or logs would be an expensive loss if destroyed, which would occur if the shipper decided against the alternatives (i.e., return to Canada or treatment). Fumigation is one treatment alternative, but another—manually spraying caterpillars and scraping egg masses—is a less costly treatment alternative. Either treatment is usually done by qualified, certified applicators. In applications in the United States, fumigation costs average between \$100 to \$150 per shipment. Manual treatment would be considerably less expensive. We do not know at the current time how many entities will be affected by these treatment requirements.

Other costs of implementing this rule involve border crossings. This rule will add time to border crossings because it will be necessary to ascertain whether a recreational vehicle or mobile home is coming from an area of Canada known to be infested with gypsy moth or an area free of gypsy moth. There is no data on the number of recreational vehicles and mobile homes crossing the border from Victoria, British Columbia, or from other infested areas of Canada. When primary Customs Service and Immigration and Naturalization Service inspectors question the origin of all recreational vehicles and mobile homes crossing into the United States and distribute information on gypsy moth to their owners, only a few seconds will be added to each border crossing. However, with potentially several thousand daily crossings of recreational vehicles from all areas of Canada at peak times, this added time could result in some delays. Some of the recreational vehicles and mobile homes originating in Canadian infested areas, as well as those owners who are unsure of origin and others at the discretion of the primary inspectors, will be sent to secondary inspection, where APHIS inspectors will ensure that owners understand the need to

inspect their recreational vehicles and mobile homes for the presence of gypsy moth. Depending on the number of recreational vehicles and mobile homes sent to secondary inspections, there may be a need for additional staff at border crossings.

The inspection and certification requirements of this rule are expected to cause a slight increase in the costs of business for a limited number of affected entities, but the overall impact on price and competitiveness is expected to be relatively insignificant. Additionally, we believe that any increase in costs experienced by entities under this rule change will be very small when compared to the benefits. The benefits of this rule include avoided Federal, State, and local government costs and avoided damages to forest resources resulting from a widespread gypsy moth outbreak in noninfested areas of the United States.

Alternatives Considered

The alternative to this rule that we considered was to make no changes in the regulations, instead relying on border inspections and the Canadian gypsy moth program to prevent the entry of gypsy moth into noninfested areas of the United States from infested areas of Canada. We rejected this alternative after determining that these measures would likely prove to be an inadequate response to the risk posed by gypsy moth host material entering the United States from Canada.

The changes to the regulations will result in new information collection or recordkeeping requirements, as described below under the heading "Paperwork Reduction Act."

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 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.

Paperwork Reduction Act

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this interim rule have been approved by the Office of Management and Budget (OMB). OMB has assigned control number 0579-0142 to the information collection and recordkeeping requirements. However, a request for a 3-year approval of the information collection and

recordkeeping requirements has been submitted to OMB.

Please send written comments on the 3-year approval request to the following addresses: (1) Docket No. 98-110-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238, and (2) Clearance Officer, OCIO, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250. Please state that your comments refer to Docket No. 98-110-1 and send them within 60 days of publication of this rule.

This interim rule establishes regulations for the importation into the United States of gypsy moth host materials from Canada due to infestations of gypsy moth in the Provinces of British Columbia, New Brunswick, Nova Scotia, Ontario, and Quebec. These regulations require trees without roots (e.g., Christmas trees), trees with roots, shrubs with roots and persistent woody stems, logs and pulpwood with bark attached, outdoor household articles, and mobile homes and their associated equipment to meet specified certification or destination requirements if they are intended to be moved into or through areas of the United States that are not infested with gypsy moth.

This interim rule is designed to prevent the introduction of gypsy moth into the United States from Canada by placing certain inspection and documentation requirements on gypsy moth host materials (i.e., regulated articles) from Canada. These regulated articles are: Trees without roots (e.g., Christmas trees), trees with roots, shrubs with roots and persistent woody stems, logs and pulpwood with bark attached, outdoor household articles, and mobile homes and their associated equipment. Under this interim rule, phytosanitary certificates, certificates of origin, or signed homeowner statements will be required for some of these regulated articles, depending on their place of origin in Canada and their destination in the United States. We are asking OMB to approve these information collections in connection with our efforts to ensure that regulated articles imported from Canada do not introduce gypsy moth into noninfested areas of the United States.

We are soliciting comments from the public (as well as affected agencies) concerning this information collection activity. We need this outside input to help us:

(1) Evaluate whether the information collection is necessary for the proper performance of our agency's functions,

including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average .03469 hours per response.

Respondents: Canadian plant health authorities; growers, exporters, shippers of Christmas trees, shrubs, logs, pulpwood, and other articles from Canada; and private individuals entering the United States with mobile homes or outdoor household articles.

Estimated annual number of respondents: 2,120.

Estimated annual number of responses per respondent: 1.047.

Estimated annual number of responses: 2,220.

Estimated total annual burden on respondents: 77 hours.

Copies of this information collection can be obtained from: Clearance Officer, OCIO, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we are amending 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues 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 Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products, § 319.37–5 is amended by adding a new paragraph (p) to read as follows:

§ 319.37–5 Special foreign inspection and certification requirements.

* * * * *

(p) In addition to meeting the requirements of this subpart, any trees with roots and any shrubs with roots and persistent woody stems, unless greenhouse-grown throughout the year, that are imported from Canada will be subject to the inspection and certification requirements for gypsy moth in § 319.77–4 of this part.

3. In Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles, § 319.40–2 is amended by adding a new paragraph (f) to read as follows:

§ 319.40–2 General prohibitions and restrictions; relation to other regulations.

* * * * *

(f) In addition to meeting the requirements of this subpart, logs and pulpwood with bark attached imported from Canada are subject to the inspection and certification requirements for gypsy moth in § 319.77–4 of this part.

4. Subpart—Gypsy Moth Host Material from Canada is added to read as follows:

Subpart—Gypsy Moth Host Material from Canada

Sec.

319.77–1 Definitions.

319.77–2 Regulated articles.

319.77–3 Gypsy moth infested areas in Canada.

319.77–4 Conditions for the importation of regulated articles.

319.77–5 Disposition of regulated articles denied entry.

Subpart—Gypsy Moth Host Material from Canada

§ 319.77–1 Definitions.

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

Canadian infested area. Any area of Canada listed as a gypsy moth infested area in § 319.77–3 of this subpart.

Canadian noninfested area. Any area of Canada that is not listed as a gypsy moth infested area in § 319.77–3 of this subpart.

Certificate of origin. A document issued by an official authorized by the national government of Canada that states the area in which a regulated article was produced or grown and includes any other required additional declarations.

Gypsy moth. The insect known as the gypsy moth, *Lymantria dispar* (Linnaeus), in any stage of development.

Import (imported, importation). To bring or move into the territorial limits of the United States.

Mobile home. Any vehicle, other than a recreational vehicle, designed to serve,

when parked, as a dwelling or place of business.

Outdoor household articles. Articles associated with a household that are generally kept or used outside the home. Examples of outdoor household articles are awnings, barbeque grills, bicycles, boats, dog houses, firewood, garden tools, hauling trailers, outdoor furniture and toys, recreational vehicles and their associated equipment, and tents.

Phytosanitary certificate. A document issued by an official authorized by the national government of Canada that contains a description of the regulated article intended for importation into the United States and that certifies that the article has been thoroughly inspected or treated, is believed to be free from plant pests, and is otherwise believed to be eligible for importation pursuant to the current phytosanitary laws and regulations of the United States. A phytosanitary certificate must be addressed to the Animal and Plant Health Inspection Service and may be issued no more than 14 days prior to the shipment of the regulated article.

Recreational vehicles. Vehicles, including pickup truck campers, one-piece motor homes, and travel trailers, designed to serve as temporary places of dwelling.

United States. All of the States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

U.S. infested area. Any area of the United States listed as a gypsy moth generally infested area in § 301.45–3 of this chapter.

U.S. noninfested area. Any area of the United States that is not listed as a gypsy moth generally infested area in § 301.45–3 of this chapter.

§ 319.77–2 Regulated articles.

In order to prevent the spread of gypsy moth from Canada into noninfested areas of the United States, the gypsy moth host materials listed in paragraphs (a) through (g) of this section are designated as regulated articles. Regulated articles may be imported into the United States from Canada only under the conditions described in § 319.77–4 of this subpart.

- (a) Trees without roots (e.g., Christmas trees), unless they were greenhouse-grown throughout the year;
- (b) Trees with roots, unless they were greenhouse-grown throughout the year;
- (c) Shrubs with roots and persistent woody stems, unless they were greenhouse-grown throughout the year;
- (d) Logs with bark attached;
- (e) Pulpwood with bark attached;

(f) Outdoor household articles; and
(g) Mobile homes and their associated equipment.

§ 319.77-3 Gypsy moth infested areas in Canada.

The following areas in Canada are known to be infested with gypsy moth:

(a) *Province of British Columbia.* That portion of Vancouver Island, in the areas of Victoria and Nanaimo, that includes the following Land Districts: Comiaken, Cowichan, Esquimalt, Goldstream, Helmecken, Highlands, Lake, Malahat, Metchosin, North Saanich, Otter, Quamichaan, Sahatlam, Seymour, Shawnigan, Somenos, Sooke, South Saanich, and Victoria.

(b) *Province of New Brunswick.* That portion of the Province of New Brunswick that includes the following counties: Charlotte, Kings, Queens, Sunbury, and York.

(c) *Province of Nova Scotia.* That portion of the Province of Nova Scotia that includes the following counties: Annapolis, Digby, Halifax, Hants, Kings, Lunenburg, Queens, Shelburne, and Yarmouth.

(d) *Province of Ontario.* That portion of the Province of Ontario that includes the Districts of Algoma, Maritoulin, Nipissing, and Sudbury and the following counties and regional municipalities: Brant, Bruce, Dufferin, Durham, Elgin, Essex, Frontenac, Grey, Haldimand-Norfolk, Haliburton, Halton, Hamilton-Wentworth, Hastings, Huron, Kent, Lambton, Lanark, Leeds-Granville, Lennox-Addington, Middlesex, Muskoka, Niagara, Northumberland, Ottawa-Carleton, Oxford, Parry Sound, Peel, Perth, Peterborough, Prescott-Russell, Prince Edward, Renfrew, Simcoe, Stormont-Dundas-Glenarry, Victoria, Waterloo, Wellington, and York.

(e) *Province of Quebec.* That portion of the Province of Quebec that includes the following regional municipalities: Acton, Antoine-Labelle, Argenteuil, Arthabaska, Asbestos, Beauce-Sartigan, Beauharnois-Salaberry, Becancour, Bellechasse, Brome-Missisquoi, Champlain, Coaticook, Communaute Urbaine de Montreale, Communaute Urbaine de L'Outaouais, Communaute Urbaine de Quebec, D'Autray, Desjardins, Deux-Montages, Drummond, Francheville, Joliette, L'Amiante, L'Assomption, L'Erable, L'Ile-D'Orleans, Lajemmerais, Laval, La Nouvelle-Beauce, La Riviere-Du-Nord, La Vallee-De-La-Gatineau, La Vallee-Du-Richelieu, Le Bas-Richelieu, Le Centre-De-La-Mauricie, Le Granit, Le Haut-Richelieu, Le Haut-Saint-Francois, Le Haut-Saint-Laurent, Le Haute-

Yamaska, LeVal-Saint-Francois, Les Chutes-De-La-Chaudiere, Les Collines-De-L'Outaouais, Les Etchemins, Les Jardins-De-Napierville, Les Laurentides, Les Maskoutains, Les Moulins, Les Pays-D'En-Haut, Lotbiniere, Maskinonge, Matawinie, Mamphremagog, Mirabel, Montcalm, Montmagny, Nicolet-Yamaska, Papineau, Pontiac, Portneuf, Robert-Cliche, Roussillon, Rouville, Sherbrooke, Therese-De-Blainville, and Vaudreuil-Soulanges.

§ 319.77-4 Conditions for the importation of regulated articles.

(a) *Trees and shrubs.*¹ Trees without roots (e.g., Christmas trees), trees with roots, and shrubs with roots and persistent woody stems may be imported into the United States from any area of Canada without restriction under this subpart if they:

(i) Were greenhouse-grown throughout the year; or

(ii) Are destined for a U.S. infested area and will not be moved through any U.S. noninfested areas.

(2) Trees without roots (e.g., Christmas trees), trees with roots, and shrubs with roots and persistent woody stems that are destined for a U.S. noninfested area or will be moved through a U.S. noninfested area may be imported into the United States from Canada only under the following conditions:

(i) If the trees or shrubs originated in a Canadian infested area, they must be accompanied by an officially endorsed Canadian phytosanitary certificate that includes an additional declaration confirming that the trees or shrubs have been inspected and found free of gypsy moth or that the trees or shrubs have been treated for gypsy moth in accordance with the Plant Protection and Quarantine Treatment Manual, which is incorporated by reference at § 300.1 of this chapter.

(ii) If the trees or shrubs originated in a Canadian noninfested area, they must be accompanied by a certificate of origin stating that they were produced in an area of Canada where gypsy moth is not known to occur.

(b) *Logs and pulpwood with bark attached.*² (1) Logs or pulpwood with bark attached that are destined for a U.S. infested area and that will not be moved through any U.S. noninfested area may

be imported from any area of Canada without restriction under this subpart.

(2) Logs or pulpwood with bark attached that are destined for a U.S. noninfested area or will be moved through a U.S. noninfested area may be imported into the United States from Canada only under the following conditions:

(i) If the logs or pulpwood originated in a Canadian infested area, they must be either:

(A) Accompanied by an officially endorsed Canadian phytosanitary certificate that includes an additional declaration confirming that they have been inspected and found free of gypsy moth or that they have been treated for gypsy moth in accordance with the Plant Protection and Quarantine Treatment Manual, which is incorporated by reference at § 300.1 of this chapter; or

(B) Destined for a specified U.S. processing plant or mill under compliance agreement with the Animal and Plant Health Inspection Service for specified handling or processing.

(ii) If the logs or pulpwood originated in a Canadian noninfested area, they must be accompanied by a certificate of origin stating that they were produced in an area of Canada where gypsy moth is not known to occur.

(c) *Outdoor household articles and mobile homes and their associated equipment.* (1) Outdoor household articles and mobile homes and their associated equipment that are destined for a U.S. infested area and will not be moved through any U.S. noninfested areas may be imported from any area in Canada without restriction under this subpart.

(2) Outdoor household articles and mobile homes and their associated equipment that are being moved from a Canadian noninfested area may be imported into any area of the United States without restriction under this subpart.

(3) Outdoor household articles and mobile homes and their associated equipment that are being moved from a Canadian infested area into a U.S. noninfested area, or that will be moved through a U.S. noninfested area, may be imported into the United States only if they are accompanied by a statement, signed by their owner, stating that they have been inspected and found free of gypsy moth.

(Approved by the Office of Management and Budget under control number 0579-0142)

§ 319.77-5 Disposition of regulated articles denied entry.

Any regulated article that is denied entry into the United States because it

¹ Trees and shrubs from Canada that are capable of propagation may be subject to additional restrictions under "Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products" (§§ 319.37 through 319.37-14 of this part).

² Logs from Canada are also subject to restrictions under "Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles" (§§ 319.40 through 319.40-11 of this part).

does not meet the requirements of this subpart must be promptly safeguarded or removed from the United States. If the article is not promptly safeguarded or removed from the United States, it may be seized, destroyed, or otherwise disposed of in accordance with section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd and 150ff).

Done in Washington, DC, this 16th day of August 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99-21754 Filed 8-20-99; 8:45 am]

BILLING CODE 3410-34-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-29-AD; Amendment 39-11259; AD 99-17-11]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A319, A320, and A321 series airplanes, that requires repetitive inspections to detect wear of the inboard flap trunnions, and to detect wear or debonding of the protective half-shells; and corrective actions, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct chafing and resultant wear damage on the inboard flap drive trunnions or on the protective half-shells, which could result in failure of the trunnion primary load path; this would adversely affect the fatigue life of the secondary load path and could lead to loss of the flap.

DATES: Effective September 27, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of September 27, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex,

France. 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 Airbus Model A319, A320, and A321 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on September 15, 1998 (63 FR 49309). That action proposed to require repetitive inspections to detect wear of the inboard flap trunnions; and replacement, if necessary. That action also proposed to require repetitive inspections to detect wear or debonding of the protective half-shells, and corrective actions, if necessary.

Comments Received

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

Request to Approve Terminating Modification

Two commenters request that the modification described in Airbus Service Bulletin A320-27-1117, dated July 31, 1997, be considered as terminating action for the repetitive inspections required by the proposed AD. One commenter states that the manufacturer has completed its in-service evaluation of this service bulletin and has determined that the modification is an appropriate terminating action. Another commenter, the manufacturer, notes that this modification solution, Airbus Modification 26495, has been installed on airplanes in production beginning with manufacturer's serial number (MSN) 789.

The FAA concurs with the commenter's request. Since issuance of the supplemental NPRM, the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has advised the FAA that accomplishment of the modification

described in A320-27-1117 would effectively eliminate the need to perform the repetitive inspections, and has issued French airworthiness directive 1996-271-092(B) R2, dated February 24, 1999, to reflect this finding. The FAA has determined that such a modification constitutes appropriate terminating action for the repetitive inspections required by this AD, and has revised the applicability of the final rule and added a new paragraph (e) to the final rule to provide for accomplishment of Airbus Modification 26495 in production, or Airbus Service Bulletin A320-27-1117, dated July 31, 1997, or Revision 01, dated June 25, 1999, as an optional terminating action for the requirements of this AD.

Service Bulletin Revisions

Airbus has issued the following Service Bulletin revisions: A320-27-1108, Revision 02, dated April 17, 1998, and Revision 03, dated June 25, 1999; and A320-27-1097, Revision 02, dated June 25, 1999. These later revisions of the service bulletins describe certain administrative changes, and delete the repair previously recommended if wear marks are found on the flap trunnions. In lieu of the repair, the service bulletin revisions specify accomplishment of the modification described in A320-27-1117. The FAA has determined that the actions required by this AD may be accomplished in accordance with these later revisions of the service bulletins, and has revised the final rule to include them as appropriate sources of service information.

Conclusion

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 the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 132 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$7,920, or \$60 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of