

valuation of the wholesale power contracts shall take into account, among other matters, the rights of the government, and/or third parties, to assume the rights and obligations of the borrower under such contracts, to charge reasonable rates for service provided under the contracts, and to otherwise enforce the contracts in accordance with their terms. In no case will the Administrator settle a debt or claim for less than the value (after considering collection costs) of the borrower's system and other collateral securing the debt or claim.

(2) RUS may use such methods, analyses, and assessments as the Administrator deems appropriate to determine the value of the borrower's system.

(g) *Rates.* The Administrator will consider the rates charged for electric service by the borrower and, in the case of a power supply borrower, by its members, taking into account, among other factors, the practices of the Federal Energy Regulatory Commission (FERC), as adapted to the cooperative structure of borrowers, and, where applicable, FERC treatment of any investments by co-owners in projects jointly owned by the borrower.

(h) *Collection action.* The Administrator will consider whether a settlement is favorable to the government in comparison with the amount that can be recovered by enforced collection procedures.

(i) *Regulatory approvals.* Before the Administrator will approve a settlement, the borrower must provide satisfactory evidence that it has obtained all approvals required of regulatory bodies that are needed to implement rates or other provisions of the settlement, or that are needed in any other way for the borrower to fulfill its obligations under the settlement.

(j) *Conditions regarding management and operations.* As a condition of debt settlement, the borrower, and in the case of a power supply borrower, its members, will be required to implement those changes in structure, management, operations, and performance deemed necessary by the Administrator. Those changes may include, but are not limited to, the following:

(1) The borrower may be required to undertake a corporate restructuring and/or sell a portion of its plant, facilities, or other assets;

(2) The borrower may be required to replace senior management and/or hire outside experts acceptable to the Administrator. Such changes may include a commitment by the borrower's board of directors to restructure and/or

obtain new membership to improve board oversight and leadership;

(3) The borrower may be required to agree to:

(i) Controls by RUS on the general funds of the borrower, as well as on any investments, loans or guarantees by the borrower, notwithstanding any limitations on RUS' control rights in the borrower's loan documents or RUS regulations; and

(ii) Requirements deemed necessary by RUS to perfect and protect its lien on cash deposits, securities, equipment, vehicles, and other items of real or non-real property; and

(4) In the case of a power supply borrower, the borrower may be required to obtain credit support from its member systems, as well as pledges and action plans by the members to change their operations, management, and organizational structure (e.g., shared services, mergers, or consolidations) in order to reduce operating costs, improve efficiency, and/or expand markets and revenues.

(k) *Conveyance of assets.* As a condition of a settlement, a borrower may be required to convey some or all its assets to the government.

(l) *Additional conditions.* The borrower will be required to warrant and agree that no bonuses or similar extraordinary compensation has been or will be provided, for reasons related to the settlement of government debt, to any officer or employee of the borrower or to other persons or entities identified by RUS. The Administrator may impose such other terms and conditions of debt settlement as the Administrator determines to be in the government's interests.

#### **§ 1717.1205 Waiver of existing conditions on borrowers.**

Pursuant to section 331(b) of the Con Act, the Administrator, at his or her sole discretion, may waive or otherwise reduce conditions and requirements imposed on a borrower by its loan documents if the Administrator determines that such action will contribute to enhancement of the government's recovery of debt. Such waivers or reductions in conditions and requirements under this section shall not include the exercise of any of the debt settlement measures set forth in § 1717.1204(c), which are subject to all of the requirements of § 1717.1204.

#### **§ 1717.1206 Loans subsequent to settlement.**

In considering any future loan requests from a borrower whose debt has been restructured (settled), it will be presumed that credit support for the full

amount of the requested loan will be required. Such support may be in a number of forms, provided that they are acceptable to the Administrator on a case by case basis. They may include, but need not be limited to, equity infusions and guarantees of debt repayment, either from the applicant's members (in the case of a power supply borrower), or from a third party.

#### **§ 1717.1207 RUS obligations under loan guarantees.**

Nothing in this subpart affects the obligations of RUS under loan guarantee commitments it has made to the Federal Financing Bank or other lenders.

#### **§ 1717.1208 Government's rights under loan documents.**

Nothing in this subpart limits, modifies, or otherwise affects the rights of the government under loan documents executed with borrowers, or under law or equity.

Dated: February 24, 1997.

Jill Long Thompson,

*Under Secretary, Rural Development.*

[FR Doc. 97-5137 Filed 2-28-97; 8:45 am]

BILLING CODE 3410-15-P

## **Animal and Plant Health Inspection Service**

### **9 CFR Parts 92 and 130**

[Docket No. 95-057-2]

#### **Importation of Pet Birds**

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** We are withdrawing a proposed rule that would have made several changes to the regulations for importing pet birds into the United States. We are withdrawing the proposed rule after considering the comments we received following the publication of the proposed rule.

**FOR FURTHER INFORMATION CONTACT:** Dr. Tracye R. Butler, Staff Veterinarian, Import-Export Animals, National Center for Import-Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1231, (301) 734-5097.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On August 21, 1996, we published in the Federal Register (61 FR 43188-43193, Docket No. 95-057-1) a proposal to amend the regulations in 9 CFR part 92 by removing the requirement for veterinary inspection at the port of entry for all pet birds imported from Canada, including pet birds of U.S. origin that

have been in Canada. We also proposed to remove the requirement that such birds may only be imported through a designated port. For pet birds of Canadian origin, we proposed to add the requirement that the birds be accompanied by a veterinary health certificate issued by Agriculture Canada. We also proposed to allow pet birds imported from countries other than Canada to be maintained under home quarantine for 30 days rather than be quarantined for 30 days at a facility operated by the U.S. Department of Agriculture (USDA). For pet birds of U.S. origin, we proposed to allow microchip implants as a form of permanent identification. We also proposed to amend the regulations in 9 CFR part 130, concerning user fees, to reflect our proposal that pet birds imported from any country could now undergo home quarantine, and should be charged the appropriate user fee for home quarantine services. We proposed these actions in order to facilitate the importation of pet birds, while continuing to provide protection against the introduction of communicable diseases into the United States.

We solicited comments concerning our proposal for 60 days ending October 21, 1996. We received 16 comments by that date. They were from veterinarians, humane organizations, environmental interest groups, raptor breeders and associations, and falconers. Ten of the comments supported the proposed rule, but requested minor changes, mostly concerning special considerations in the importation of raptors from Canada. The remainder of the comments opposed the proposed rule, expressing concerns regarding allowing home quarantine for pet birds imported from countries other than Canada and removing the requirement for veterinary inspection at the port of entry for pet birds imported from Canada. Specifically, commenters said that most pet bird owners would not necessarily recognize the signs of disease in their pet birds under home quarantine, that home quarantine would not include any tests for disease or precautionary medication (as is administered when a pet bird undergoes quarantine at a USDA-operated facility), and that the proposal did not include adequate provisions to ensure that pet bird owners comply with the home quarantine requirements. Commenters were also concerned that removing veterinary inspection at the port of entry for pet birds from Canada would increase the opportunities for exotic birds to be smuggled illegally into the United States.

After considering all the comments we received, we have concluded that it

is necessary to reexamine the need for relieving restrictions on the importation of pet birds and the disease risks associated with the importation of pet birds into the United States. Therefore, we are withdrawing the August 21, 1996, proposed rule referenced above. The concerns and recommendations of all the commenters will be considered if any new proposed regulations regarding the importation of pet birds are developed.

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 26th day of February 1997.

Terry L. Medley,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97-5161 Filed 2-28-97; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-126-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN-235 Series Airplanes**

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

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

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain CASA Model CN-235 series airplanes. This proposal would require a one-time inspection to detect fatigue cracking in the area of the center wing-to-fuselage attachment fitting, and repair, if necessary. This proposal also would require installation of a reinforcing plate in the attachment area of that fitting. This proposal is prompted by a report from the manufacturer indicating that, during full-scale fatigue testing, fatigue cracks were detected in this area. The actions specified by the proposed AD are intended to prevent fatigue cracking, which consequently could reduce the structural integrity of this area.

**DATES:** Comments must be received by April 10, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport

Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-126-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Greg Dunn, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2799; fax (206) 227-1149

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96-NM-126-AD." The postcard will be date stamped and returned to the commenter.

##### **Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-126-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.