

proposed rule for public comment. Following the close of that comment period, the comments will be considered, and a final rule addressing the comments will be published.

As discussed above, if we received no written adverse comments nor written notice of intent to submit adverse comments within 30 days of publication of this direct final rule, this direct final rule will become effective 60 days following its publication. We will publish a notice to this effect in the **Federal Register**, before the effective date of this direct final rule, confirming that it is effective on the date indicated in this document.

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 will allow the interstate movement of *Berberis candidula* 'Amstelveen,' *Berberis thunbergii* 'Lustre Green,' and *Berberis thunbergii* 'Monry,' into and through States or parts of States designated as protected areas in accordance with the requirements in the regulations. Based on the information provided to us, we have determined that this rule will affect three nurseries that might propagate the new species and numerous retail sales nurseries that might purchase or resell the varieties. This rule will enable those nurseries to move the species into and through protected areas and to propagate and sell the species in States or parts of States designated as protected areas. It is unlikely that the addition of these varieties to the list of rust-resistant *Berberis* species will have any effect on prices, investment, productivity, or our international competitive position. It is possible that this rule will positively affect innovation by allowing nurseries that develop new rust-resistant *Berberis* varieties the opportunity to market those varieties in protected areas. It is also possible that this rule will have some positive effect on nurseries that are small businesses by providing an opportunity for increased sales of rust-resistant *Berberis* species in protected areas. We cannot predict the exact number of nurseries that might be affected by this rule change, nor can we predict the level of demand for these new species or the impact on nurseries producing or selling them. It is likely, however, that any economic effects will not be significant as a result of additional plant sales.

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 12778

This rule has been reviewed under Executive Order 12778, 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 information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

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

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, 7 CFR part 301 is amended as follows:

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

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 301.38–2, paragraph (b) is amended by adding, in alphabetical order, the following rust-resistant *Berberis* species:

§ 301.38–2 Regulated articles.

- * * * * *
- (b) * * *
- B. candidula* 'Amstelveen'
- * * * * *
- B. thunbergii* 'Lustre Green'
- * * * * *
- B. thunbergii* 'Monry'
- * * * * *

Done in Washington, DC, this 18th day of July 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–18573 Filed 7–27–95; 8:45 am]

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Food Safety and Inspection Service

9 CFR Parts 327 and 381

[Docket No. 95–003F]

RIN 0583–AB88

Products From Foreign Countries; Eligibility for Import Into the United States

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending those paragraphs of the imported products sections of the Federal meat and poultry products inspection regulations that contain the phrase "at least equal to" by replacing that phrase with the words "equivalent to." This action will amend language in the Federal meat and poultry products inspection regulations to correctly reflect the language used in the Uruguay Round Agreements Act, which was enacted to comply with the General Agreement on Tariffs and Trade, 1994 (GATT).

Subtitle B, section 431, paragraph (k) of Title IV of the Uruguay Round Agreements Act of 1994, Pub. L. No. 103–465, 108 Stat. 4809 (1994), amends section 17(d)(1) of the Poultry Products Inspection Act (PPIA) (21 U.S.C. § 466(d)(1)) to require that all imported poultry or poultry products intended for human consumption be subject to foreign inspection that achieves a level of sanitary protection equivalent to that achieved under United States standards. Imported poultry and poultry products must also be processed by the exporting country in facilities and under conditions that achieve that same level of sanitary protection. In addition, paragraph (k) amends section 17(d)(2) of the PPIA (21 U.S.C. § 466(d)(2)) to allow the Secretary of Agriculture to treat the meat and poultry standards of exporting countries as "equivalent to" United States standards if the exporting countries provide the Secretary with sufficient scientific evidence to demonstrate that their standards achieve the level of sanitary protection achieved under the United States standard. Subtitle B, section 431, paragraph (l),

Title IV, of the Uruguay Round Agreements Act similarly amends section 20(e)(1), subparagraphs (A) and (B) of the Federal Meat Inspection Act (21 U.S.C. 620(e)(1)(A) and (B)).

Because this codification is required by GATT, we expect no adverse public reaction resulting from this change in regulatory language. Therefore, unless notice is received within 30 days that someone wishes to submit adverse or critical comments, the action will become final 60 days after publication in the **Federal Register**. If critical comments are received, the final rulemaking notice will be withdrawn and a proposed rulemaking notice will be published. The proposed rulemaking notice will establish a comment period.

DATES: This action will become effective September 26, 1995 unless notice is received on or before August 28, 1995 that adverse or critical comments will be submitted.

FOR FURTHER INFORMATION CONTACT: Dr. Paula M. Cohen, Director, Regulations Development, Policy, Evaluation and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700; (202) 720-7164.

SUPPLEMENTARY INFORMATION:

Background

Sections 327.2 and 327.4 of the Federal meat inspection regulations and §§ 381.196 and 381.197 of the poultry products inspection regulations currently require that foreign country meat and poultry inspection systems be "at least equal to" those in the United States if foreign countries wish to export meat and poultry products to the United States. In December, 1994, however, in accordance with GATT's Uruguay Round negotiations, the President of the United States signed the Uruguay Round Agreements Act into law. Under this new law, drafted to comply with GATT, the United States can no longer require foreign countries wishing to export meat and poultry products to have meat and poultry inspection systems that are "at least equal" to those in the United States; instead, foreign inspection systems must be "equivalent to" domestic inspection systems. Therefore, FSIS is amending its regulations to require that foreign inspection systems that export meat and poultry products to the United States be "equivalent to" domestic inspection systems.

Executive Order 12866

This rule has been determined to be not significant and therefore has not

been reviewed by the Office of Management and Budget.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. States and local jurisdictions are preempted by the Federal Meat Inspection Act and the Poultry Products Inspection Act (PPIA) from imposing any marking or packaging requirements on federally inspected meat and poultry products that are in addition to, or different than, those imposed under the FMIA or the PPIA. States and local jurisdictions may, however, exercise concurrent jurisdiction over meat and poultry products that are outside official establishments for the purpose of preventing the distribution of meat and poultry products that are misbranded or adulterated under the FMIA or PPIA, or, in the case of imported articles, which are not at such an establishment, after their entry into the United States.

This rule is not intended to have retroactive effect.

There are no applicable administrative procedures that must be exhausted prior to any judicial challenge to the provisions of 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.

Effect on Small Entities

The Administrator has made an initial determination that this rule would 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). This direct final rule does not impose any requirements on American entities. It applies only to foreign countries that wish to export meat and poultry products to the United States.

List of Subjects

9 CFR Part 327

Food Labeling, Food Packaging, Imports, Meat Inspection

9 CFR Part 381

Food labeling, Food packaging, Imports, Poultry and poultry products.

For the reasons set out in the preamble, 9 CFR parts 327 and 381 are amended as follows:

PART 327—IMPORTED PRODUCTS

1. The authority citation for part 327 continues to read as follows:

Authority: 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

§§ 327.2 and 327.4 [Amended]

2. Remove the word's "at least equal to" and add, in their place, the words "equivalent to" in the following places:

Section 327.2(a)(1), (a)(2)(i) introductory text, (a)(2)(ii) introductory text, (a)(2)(iv) introductory text, the text of the Certificate following paragraph (a)(3), (a)(4), and the text of each Certificate following 327.4 (a) and (b).

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

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

Authority: 7 U.S.C 138f; 7 U.S.C. 450; 21 U.S.C. 451-470; 7 CFR 2.17, 2.55.

§ 381.196 [Amended]

2. Remove the words "at least equal to" and add, in their place, the words "equivalent to" in the following places:

Section 381.196(a)(1), (a)(2)(i) introductory text, (a)(2)(ii) introductory text, (a)(2)(iv) introductory text, the text of the Certificate following paragraph (a)(3), and (a)(4).

Done at Washington, DC, on July 18, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 95-18480 Filed 7-27-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-116-AD; Amendment 39-9325; AD 95-13-04]

Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 95-13-04 that was sent previously to all known U.S. owners and operators of certain Bombardier Model CL-600-2B19 (Regional Jet Series 100) series airplanes by individual letters. This AD requires a revision to the Airplane Flight Manual to prohibit the use of mach trim and to add speed restrictions if the autopilot is disengaged or inoperative. This AD also requires installation of an associated placard.