

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 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 1980 (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, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

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 § 301.52-2a the entry for Arkansas is revised to read as follows:

§ 301.52-2a Regulated areas; suppressive and generally infested areas.

* * * * *

Arkansas

- (1) *Generally infested area.* None.
- (2) *Suppressive area.*
Clay County. That portion of the county bounded by Highway 90 west from the Missouri State line to Highway 139, Highway 139 north to the junction of Highways 62 and 1, and Highway 1 east to the Missouri State line.
Crittenden County. T. 8 N., R. 8 E.
Mississippi County. That portion of the county bounded by Highway 120 west from the Mississippi River to Highway 61, Highway 61 south to Highway 158, Highway 158 west to Highway 77, Highway 77 north to Highway 119, and Highway 119 north to the Missouri State line.

* * * * *

Done in Washington, DC, this 21st day of August 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.
 [FR Doc. 95-21188 Filed 8-25-95; 8:45 am]
 BILLING CODE 3410-34-P

9 CFR Part 77

[Docket No. 95-020-2]

Tuberculosis in Cattle and Bison; State Designation

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the tuberculosis regulations concerning the interstate movement of cattle and bison by raising the designation of North Carolina from a modified accredited State to an accredited-free State. We have determined that North Carolina meets the criteria for designation as an accredited-free State.

EFFECTIVE DATE: September 27, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Mitchell A. Essey, Senior Staff Veterinarian, Cattle Diseases and Surveillance, VS, APHIS, Suite 3B08, 4700 River Road Unit 36, Riverdale, MD, 20737-1231, (301) 734-7727.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on April 13, 1995 (60 FR 18728-18729, Docket No. 95-020-1), we amended the tuberculosis regulations in 9 CFR part 77 by removing North Carolina from the list of modified accredited States in § 77.1 and adding it to the list of accredited-free States in that section.

Comments on the interim rule were required to be received on or before June 12, 1995. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

PART 77—TUBERCULOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 77.1 and that was published at 60 FR 18728-18729 on April 13, 1995.

Authority: 21 U.S.C. 111, 114, 114a, 115-117, 120, 121, 134b, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

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

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.
 [FR Doc. 95-21186 Filed 8-25-95; 8:45 am]
 BILLING CODE 3410-34-P

9 CFR Part 78

[Docket No. 95-033-2]

Brucellosis in Cattle; State and Area Classifications; Nebraska

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Nebraska from Class A to Class Free. The interim rule was necessary to relieve certain restrictions on the interstate movement of cattle from Nebraska.

EFFECTIVE DATE: September 27, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Michael J. Gilsdorf, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, vs, APHIS, USDA, Suite 3B08, 4700 River Road Unit 36, Riverdale, MD 20737-1236; (301) 734-4918.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on May 31, 1995 (60 FR 28322-28323, Docket No. 95-033-1), we amended the brucellosis regulations in 9 CFR part 78 by removing Nebraska from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.1(a).

Comments on the interim rule were required to be received on or before July 31, 1995. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim

rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 78—BRUCELOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 78.41 and that was published in 60 FR 28322-28323 on May 31, 1995.

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

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

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-21187 Filed 8-25-95; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-135-AD; Amendment 39-9343; AD 95-17-13]

Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146-RJ Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 146 and Model Avro 146-RJ airplanes. This action requires modification of the left- and right-hand elevators to improve water drainage. This amendment is prompted by reports that elevator oscillations and resultant airplane pitch oscillations have occurred due to the elevator balance changes as a result of accumulation of water in the elevators. The actions specified in this AD are intended to minimize accumulation of water in the elevators, which could lead to elevator and airplane pitch oscillations with a subsequent reduction of controllability

of the airplane and damage to the tail surface structure.

DATES: Effective September 12, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of September 12, 1995.

Comments for inclusion in the Rules Docket must be received on or before October 27, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-135-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from British Aerospace Holdings, Inc., Avro International Aerospace Division, P.O. Box 16039, Dulles International Airport, Washington DC 20041-6039. This information may be examined at the FAA, Transport Airplane Directorate, 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: William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1149.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain British Aerospace Model BAe 146 and Model Avro 146-RJ airplanes. The CAA advises that it received several reports indicating that elevator oscillations have occurred, which resulted in airplane pitch oscillations. Investigation revealed that, when the airplane had completed steep climb maneuvers, water had accumulated in the left- and right-hand elevators. Accumulation of water, if not corrected, may upset the balance of the elevators, which could result in elevator oscillation and subsequent airplane pitch oscillations; this condition could result in reduced controllability of the airplane or damage to the tail surface structure.

British Aerospace Regional Aircraft Limited, Avro International Division, has issued Service Bulletin SB.55-13-01490B, dated July 7, 1995, which describes procedures for modification of the left- and right-hand elevators. The modification involves the following actions:

1. Drilling, reaming, and deburring new drain holes in the underside of the left- and right-elevators;

2. Applying protective treatment to the left- and right-hand elevators;

3. Performing a visual inspection to determine if all of the seams on the elevators are sealed, and resealing, if necessary; and

4. Plugging (blanking off) certain existing drain holes with a grommet (for certain airplanes).

Accomplishment of this modification will improve the drainage of water from the elevators and minimize the accumulation of water in the elevators.

The CAA classified the service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to minimize accumulation of water in the elevators, which could lead to elevator oscillations. This AD requires modification of the left- and right-hand elevators (Mod. No. HCMO1490B). The actions are required to be accomplished, in part, in accordance with the service bulletin described previously.

In addition, the FAA has received a recommendation from the CAA that certain additional procedures be accomplished concurrent with the modification. These procedures have been added to this AD.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA