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## OFFICE OF GOVERNMENT ETHICS

### 5 CFR Chapter XVI

RIN 3209-AA15

#### Concurrence by the Office of Government Ethics in the Issuance of Final Supplemental Standards of Ethical Conduct for Employees of the Farm Credit Administration

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Final rule; concurrence.

**SUMMARY:** The Office of Government Ethics is concurring in the issuance by the Farm Credit Administration (FCA) of final supplemental standards of ethical conduct for FCA employees.

**EFFECTIVE DATE:** September 13, 1995.

**FOR FURTHER INFORMATION CONTACT:** William E. Gressman, Office of Government Ethics, telephone: 202-523-5757, FAX: 202-523-6325.

**SUPPLEMENTARY INFORMATION:** The Farm Credit Administration recently adopted as final, without change, interim rule supplemental standards of ethical conduct for FCA employees, for codification at chapter XXXI, consisting of part 4101, and a residual cross-reference provision in its old standards regulation at 12 CFR part 601. See FR Doc. 95-22610 at 60 FR 47453 (September 13, 1995); see also the prior interim rule, on which OGE concurred and co-signed, at 60 FR 30778-30783 (June 12, 1995). In accordance with its authority under Executive Order 12674, as modified by E.O. 12731, and the Ethics in Government Act, the Office of Government Ethics is concurring in the issuance by the FCA of the final rule supplemental ethical conduct standards for FCA employees which augment the Standards of Ethical Conduct for Employees of the Executive Branch, as issued by OGE and codified at 5 CFR part 2635.

### List of Subjects in 5 CFR Part 4101

Conflict of interests, Government employees.

Dated: November 1, 1995.

Stephen D. Potts,

*Director, Office of Government Ethics.*

For the reasons set forth above, the Office of Government Ethics is concurring in the final rule issuance by the Farm Credit Administration of 5 CFR part 4101.

[FR Doc. 95-29519 Filed 12-5-95; 8:45 am]

BILLING CODE 6345-01-U

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 319

[Docket No. 94-065-2]

#### Importation of Fruits and Vegetables

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

**ACTION:** Final rule.

**SUMMARY:** We are revising the regulations for the importation of fruits and vegetables to update provisions for inspections and other activities at the port of first arrival. We are clarifying the procedures by which we give notice to an importer that cleaning, disinfection, disposal, or some other action is required for a shipment of fruits and vegetables. We are also clarifying the responsibility of the owner of imported fruits or vegetables for carrying out actions ordered by an inspector in accordance with the regulations. This action provides clearer standards for persons who must comply with the regulations and aids our enforcement of the regulations.

**EFFECTIVE DATE:** January 5, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jane Levy or Mr. Frank E. Cooper, Senior Operations Officers, Port Operations, PPQ, APHIS, Suite 4A03, 4700 River Road Unit 139, Riverdale, MD 20737-1236; (301) 734-8645.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 7 CFR 319.56 through 319.56-8 (referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into

the United States from certain parts of the world to prevent the introduction and dissemination of injurious insects that are new to or not widely distributed within and throughout the United States.

Section 319.56-6 of the regulations addresses requirements for the inspection and disinfection of imported fruits and vegetables at the port of first arrival. This section provides, among other things, that all imported fruits and vegetables, as a condition of entry, shall be subject to inspection, disinfection, or both, at the port of first arrival, as may be required by a U.S. Department of Agriculture inspector. The purpose of the inspection or disinfection is to detect and eliminate plant pests. This section also provides that any shipment of fruits and vegetables may be refused entry if the shipment is infested with fruit flies or other dangerous plant pests and an inspector determines that it cannot be cleaned by disinfection or treatment, or if the shipment contains leaves, twigs, or other portions of plants.

Section 319.56-6 also prohibits the movement of imported fruits and vegetables from the port of first arrival until the inspector gives notice to the collector of customs that the products have been inspected and found to be free from infestation and from plants or portions of plants used as packing or otherwise. This section also states that the importer is responsible for all charges for storage, cartage, and labor incident to inspection and disinfection, other than the services of the inspector.

On July 12, 1995, we published in the Federal Register (60 FR 35871-35873, Docket No. 94-065-1) a proposal to amend the regulations by revising § 319.56-6 to update provisions for inspections and other activities at the port of first arrival; to clarify the procedures by which we give notice to an importer that cleaning, disinfection, disposal, or some other action is required for a shipment of fruits or vegetables; and to clarify the responsibility of the owner of imported fruits or vegetables for carrying out actions ordered by an inspector in accordance with the regulations. We proposed these clarifications because the regulations are unclear on some points, and we have experienced difficulties enforcing some of the requirements because the regulations do not specify who is responsible for all of

the activities and costs that may be required to clear a shipment for entry into the United States. In this proposal, we also proposed to correct 7 CFR 319.37-6(e) by removing Mexico from the list of countries with restricted importation of citrus seed due to citrus canker.

We solicited comments concerning our proposal for 60 days ending September 11, 1995. We received one comment by that date. It was from a State agency and supported the proposed rule.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal as a final rule.

#### Executive Order 12866 and Regulatory Flexibility Act

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

This rule clarifies procedures for the inspection and release of imported fruits and vegetables at the port of first arrival in the United States. This revision of the regulations updates the regulatory language to conform to procedures currently in use at ports. These changes provide a clearer standard for importers of fruits and vegetables who must comply with the regulations, and will enhance enforcement of the regulations. The changes do not add any significant new costs for importers of fruits and vegetables or other persons. Importers are already responsible for all costs of treatment, movement, storage, or destruction ordered by an inspector at a port.

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 clarifies the requirements at the port of first arrival for fruits and vegetables imported into the United States. State and local laws and regulations regarding the importation of fruits and vegetables under this rule will be preempted while the fruits and

vegetables are in foreign commerce. Fresh fruits and vegetables are generally imported for immediate distribution and sale to the consuming public, and will remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. No retroactive effect will be given to this rule, and this rule will 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 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, 7 CFR part 319 is amended 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 2.17, 2.51, and 371.2(c).

#### **§ 319.37-6 [Amended]**

2. In § 319.37-6, paragraph (e) is amended by removing the word "Mexico,".

3. Section 319.56-6 is revised to read as follows:

#### **§ 319.56-6 Inspection and other requirements at the port of first arrival.**

(a) *Inspection and treatment.* All imported fruits or vegetables shall be inspected, and shall be subject to such disinfection at the port of first arrival as may be required by an inspector, and shall be subject to reinspection at other locations at the option of an inspector. If an inspector finds a plant pest or evidence of a plant pest on or in any fruit or vegetable or its container, or finds that the fruit or vegetable may have been associated with other articles infested with plant pests, the owner or agent of the owner of the fruit or vegetable shall clean or treat the fruit or vegetable and its container as required by an inspector, and the fruit or vegetable shall also be subject to reinspection, cleaning, and treatment at the option of an inspector at any time and place before all applicable

requirements of this subpart have been accomplished.

(b) *Assembly for inspection.* The owner or agent of the owner shall assemble imported fruits and vegetables for inspection at the port of first arrival, or at any other place prescribed by an inspector, at a place and time and in a manner designated by an inspector.

(c) *Refusal of entry.* If an inspector finds that an imported fruit or vegetable is prohibited or is so infested with a plant pest that, in the judgment of the inspector, it cannot be cleaned or treated, or contains soil or other prohibited contaminants, the entire lot may be refused entry into the United States.

(d) *Release for movement.* No person shall move from the port of first arrival any imported fruit or vegetable unless and until an inspector notifies the person (in person, in writing, by telephone, or through electronic means) that the fruit or vegetable:

(1) Has been released; or

(2) Requires reinspection, cleaning, or treatment of the fruit or vegetable at that port or at a place other than the port of first arrival, or is prohibited and must be exported from the United States.

(e) *Notice to owner of actions ordered by inspector.* If an inspector orders any disinfection, cleaning, treatment, reexportation, or other action with regard to imported fruits or vegetables, the inspector shall file an emergency action notification (PPQ Form 523) with the owner of the fruits or vegetables or an agent of the owner. The owner must, within the time specified in the PPQ Form 523, destroy the fruits and vegetables, ship them to a point outside the United States, move them to an authorized site, and/or apply treatments or other safeguards to the fruits and vegetables as prescribed by an inspector to prevent the introduction of plant pests into the United States.

(f) *Costs and charges.* The Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture will be responsible only for the costs of providing the services of an inspector during regularly assigned hours of duty and at the usual places of duty.<sup>1</sup> The owner of imported fruits or vegetables is responsible for all additional costs of inspection, treatment, movement, storage, or destruction ordered by an inspector under this subpart, including any labor, chemicals, packing materials, or other supplies required. APHIS will not be responsible for any costs or

<sup>1</sup> Provisions relating to costs for other services of an inspector are contained in 7 CFR part 354.

charges, other than those identified in this section.

Done in Washington, DC, this 30th day of November 1995.

Lonnie J. King,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-29749 Filed 12-5-95; 8:45 am]

BILLING CODE 3410-34-P

## Federal Crop Insurance Corporation

### 7 CFR Part 401

#### Rice Endorsement

##### CFR Correction

In Title 7 of the Code of Federal Regulations, parts 400 to 699, revised as of January 1, 1995, on page 116, in § 401.120, item 9 was inadvertently omitted. The correct text, which should precede item 10, follows:

##### § 401.120 Rice endorsement.

\* \* \* \* \*

##### 9. Contract Changes

The date by which contract charges will be available in your service office is December 31 preceding the cancellation date for counties with an April 15 cancellation date and November 30 preceding the cancellation date for all other counties.

\* \* \* \* \*

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-NM-190-AD; Amendment 39-9398; AD 95-20-51]

#### Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes

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

**ACTION:** Final rule; extension of comment period.

**SUMMARY:** This document announces an extension of the comment period for Airworthiness Directive (AD) 95-20-51, applicable to all Model 767-200 and -300 series airplanes. That AD invites comments concerning the requirement to inspect the lower half of the aft trunnion of the main landing gear (MLG) to detect damage, cracking, missing pieces, or corrosion; and correction of discrepancies. This extension of the comment period is necessary to afford all interested persons an opportunity to present their views on the requirements of that AD.

**DATES:** Effective October 17, 1995, to all persons except those persons to whom it was made immediately effective by telegraphic AD T95-20-51, issued September 25, 1995.

Comments for inclusion in the Rules Docket must be received on or before February 12, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-190-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Information concerning this AD 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:** James G. Rehrl, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2783; fax (206) 227-1181.

**SUPPLEMENTARY INFORMATION:** On October 4, 1995, the FAA issued AD 95-20-51, amendment 39-9398 (60 FR 53109, October 12, 1995), applicable to all Boeing Model 767-200 and -300 series airplanes, which requires that operators perform an external general visual inspection of the lower half of the aft trunnion of the main landing gear (MLG) to detect damage, cracking, missing pieces, or corrosion emanating from the aft trunnion bushing fillet seal or from the aft trunnion crossbolt hole. That AD invites comments on regulatory, economic, environmental, and energy aspects of the rule.

That action was prompted by reports of fractures of the outer cylinder aft trunnion due to stress corrosion cracking. This condition, if not corrected, could result in collapse of the MLG due to the problems associated with stress corrosion cracking in the aft trunnion assembly; collapse of the MLG could lead to loss of control of the airplane during landing, taxiing, and takeoff.

Since the issuance of that AD, a commenter to the rule requested an extension of the comment period. The commenter states that the additional time would provide the public with time to study the requirements of the AD and prepare comments for the Rules Docket.

The FAA has considered this request and finds it appropriate to extend the comment period to give all interested

persons additional time to examine the requirements of the AD and submit comments. Accordingly, the comment period for AD 95-20-51 is extended to February 12, 1996. It should be noted that the effective date of AD 95-20-51 was October 17, 1995; this action does not change that date. Since no other portion of that AD or regulatory information has been changed, the entire rule is not being republished.

Issued in Renton, Washington, on November 28, 1995.

Darrell M. Pederson,

*Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-29646 Filed 12-5-95; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 95-CE-25-AD; Amendment 39-9452; AD 95-25-07]

#### Airworthiness Directives; Fairchild Aircraft SA226 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to certain Fairchild Aircraft SA226 series airplanes that are equipped with a part number 27-55001-229 actuator assembly. This action requires replacing the main landing gear door actuator tang and associated hardware with parts of improved design. Reports of the main landing gear doors hanging up and locking the landing gear links on the affected airplanes prompted this action. The actions specified by this AD are intended to prevent the inability to extend the main landing gear because of the main landing gear door actuation roller contacting the lower edge of the tang and causing the linkage to lock over-center.

**DATES:** Effective January 17, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 17, 1996.

**ADDRESSES:** Service information that applies to this AD may be obtained from Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490; telephone (210) 824-9421. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-25-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or