Table 3.—Miscellaneous Services [1]—Continued

(2) Certification of diverter-type mechanical samplers (per hour per service representative)	$43.60
(3) Special services (per hour per service representative):.	
(i) Scale testing and certification	$43.60
(ii) Evaluation of weighing and material handling systems	$43.60
(iii) NTEP Prototype evaluation (other than Railroad Track Scales)	$43.60
(iv) NTEP Prototype evaluation of Railroad Track Scales (usage fee per day for test car)	$100.00
(v) Mass standards calibration and reverification	$43.60
(vi) Special projects	$43.60
(4) Foreign travel (per day per service representative)	$416.00
(5) Online customized data EGIS service	
(i) One data file per week for 1 year	$500.00
(ii) One data file per month for 1 year	$300.00
(6) Samples provided to interested parties (per sample)	$2.50
(7) Divided-lot certificates (per certificate)	$1.50
(8) Extra copies of certificates (per certificate)	$1.50
(9) Faxing (per page)	$1.50
(10) Special mailing (actual cost).	
(11) Preparing certificates onsite or during other than normal business hours (use hourly rates from Table 1).	

[1] Any requested service that is not listed will be performed at the applicable non-contract hourly rate.

[2] Regular business hours-Monday thru Friday- service provided at other than regular hours charged at the applicable overtime hourly rate.

* * * * *

3. Section 800.72 is revised to read as follows:

§ 800.72 Explanation of additional service fees for services performed in the United States only.

(a) When transportation of the service representative to the service location (at other than a specified duty point) is more than 25 miles from an FGIS office, the actual transportation cost in addition to the applicable hourly rate for each service representative will be assessed from the FGIS office to the service point and return. When commercial modes of transportation (e.g., airplanes) are required, the actual expense incurred for the round-trip travel will be assessed. When services are provided to more than one applicant, the travel and other related charges will be prorated between applicants.

(b) In addition to a 2-hour minimum charge for service on Saturdays, Sundays, and holidays, an additional charge will be assessed when the revenue from the services in § 800.71, Schedule A, Table 2, does not equal or exceed what would have been collected at the applicable hourly rate. The additional charge will be the difference between the actual unit fee revenue and the hourly fee revenue. Hours accrued for travel and standby time shall apply in determining the hours for the minimum fee.

4. Section 800.73 is revised to read as follows:

§ 800.73 Computation and payment of service fees; general fee information.

(a) *Computing hourly rates.* The applicable hourly rate will be assessed in quarter hour increments for:

(1) Travel from the FGIS field office or assigned duty station to the service point and return;

(2) The performance of the requested service, less mealtime.

(b) *Application of fees when service is delayed or dismissed by the applicant.* The applicable hourly rate will be assessed for the entire period of scheduled service when:

(1) Service has been requested at a specified location;

(2) A service representative is on duty and ready to provide service but is unable to do so because of a delay not caused by the Service; and

(3 FGIS officials determine that the service representative cannot be utilized to provide service elsewhere without cost to the Service.

(c) *Application of fees when an application for service is withdrawn or dismissed.* The applicable hourly rate will be assessed to the applicant for the entire period of scheduled service if the request is withdrawn or dismissed after the service representative departs for the service point, or if the service request is not canceled by 2 p.m., local time, the business day preceding the date of scheduled service. However, the applicable hourly rate will not be assessed to the applicant if FGIS officials determine that the service representative can be utilized elsewhere or released without cost to the Service.

(d) *To whom fees are assessed.* Fees for inspection, weighing, and related services performed by service representatives, including additional fees as provided in § 800.72, shall be assessed to and paid by the applicant for the service.

(e) *Monthly payment of administrative fee.* At the option of the applicant, an agreement for 12 equal monthly payments may be entered into for payment of the administrative fee. These monthly payments will be based on the previous fiscal year's volume applied to the current year's administrative fee schedule. If the volume of grain inspected is more than the amount of grain agreed upon at the beginning of the fiscal year, at the point the agreed upon volume is exceeded, the current year's administrative fee schedule shall apply to the remaining amount of grain for the rest of the fiscal year. If the volume of grain inspected is less than the agreed upon amount, any excess monies paid to the Service shall be applied to the next fiscal year's administrative fee unless a request for a refund is made by the applicant.

(f) *Advance payment.* As necessary, the Administrator may require that fees shall be paid in advance of the performance of the requested service. Any fees paid in excess of the amount due shall be used to offset future billings, unless a request for a refund is made by the applicant.

(g) *Form of payment.* Bills for fees assessed under the regulations in this part for official services performed by FGIS shall be paid by check, draft, or money order, payable to the U.S. Department of Agriculture, Grain Inspection, Packers and Stockyards Administration.

Dated: August 16, 1996.

Shirley Watkins,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96–21391 Filed 8–21–96; 8:45 am]

BILLING CODE 3410–EN–P

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 96–025–2]

Change in Disease Status of Spain Because of African Swine Fever

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations by declaring Spain free of African swine fever. This action is appropriate because there have been no confirmed outbreaks of African swine fever in Spain since September 1994. This rule relieves restrictions on the importation of pork and pork products into the United States from Spain. However, because Spain shares common land borders with countries affected by certain swine diseases and because

Spain, as a member state of the European Union, has certain trade practices that are less restrictive than are acceptable to the United States, the importation into the United States of pork and pork products from Spain continues to be subject to certain restrictions.

EFFECTIVE DATE: September 6, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. John Cougill, Staff Veterinarian, Products Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231, (301) 734–8688; or e-mail: jcougill@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various animal diseases, including rinderpest, foot-and-mouth disease, bovine spongiform encephalopathy, swine vesicular disease, hog cholera, and African swine fever (ASF). These are dangerous and destructive communicable diseases of ruminants and swine.

Section 94.8 of the regulations provides that ASF exists or is reasonably believed to exist in all the countries of Africa, Brazil, Cuba, Haiti, Italy, Malta, Portugal, and Spain. We will consider declaring a country to be free of ASF if there have been no reported cases of the disease in that country for at least the previous 1-year period. The last case of ASF in Spain occurred in September 1994. The Government of Spain has requested that the U.S. Department of Agriculture (USDA) recognize Spain to be free of ASF.

On May 29, 1996, we published in the Federal Register (61 FR 26850–26852, Docket No. 96–025–1) a proposal to amend the regulations by removing Spain from the list of countries where ASF exists or is reasonably believed to exist. This action would relieve certain restrictions on the importation of pork and pork products into the United States from Spain, including restrictions on the importation of live swine and fresh pork and pork products, and would eliminate requirements on the curing time for Spanish hams and other pork products offered for importation into the United States from Spain.

We solicited comments concerning our proposal for 60 days ending July 29, 1996. We received 5 comments by that date. They were from representatives of industry and a foreign government. All responses were in favor of the provisions outlined in 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 without change.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the Federal Register. This rule removes Spain from the list of countries where ASF exists or is reasonably believed to exist. This action relieves certain restrictions on the importation of pork and pork products into the United States from Spain, including restrictions on the importation of live swine and fresh pork and pork products, and eliminates requirements on the curing time for Spanish hams and other pork products offered for importation into the United States from Spain. We have determined that approximately 2 weeks are needed to ensure that the Animal and Plant Health Inspection Service personnel at ports of entry receive official notice of this change in the regulations. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective 15 days after publication in the Federal Register.

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.

In accordance with 5 U.S.C. 601 *et seq.*, we have performed a Final Regulatory Flexibility Analysis, which is set out below, regarding the impact of this rule on small entities.

In accordance with 21 U.S.C. 111–113, 114a, 115, 117, 120, 123, and 134a, the Secretary of Agriculture has the authority to promulgate regulations and take measures to prevent the introduction into the United States, and the interstate dissemination within the United States, of communicable diseases of livestock and poultry.

This rule amends the regulations in part 94 by removing Spain from the list of countries where ASF exists or is reasonably believed to exist. This action relieves certain restrictions on the importation of live swine, pork, and pork products into the United States from Spain. However, because of Spain's proximity to France and Portugal (countries affected by serious swine diseases) and Spain's trading practices as a member state of the European Union, other requirements continue to restrict the importation of pork and pork products from Spain.

In 1992, the majority (approximately 96.3 percent) of all hog and pig farmers in the United States qualified as small entities. However, we expect the impact of relieving restrictions on live swine imports from Spain on these producers to be minimal because the swine industry of Spain is relatively small compared to the market in the United States. In 1994, swine production in Spain was estimated to be 26.7 million head, compared to swine production in the United States of over 100 million head. Also, in 1994, Spain exported a little more than 0.5 million live swine, or less than 2 percent of its total swine production, and all of those animals were directed to countries in Europe.

Total imports of live swine into the United States are very small relative to domestic production. In 1993, only 1.75 million head were imported into the United States. Due to transportation costs and other factors, nearly all of the live swine imported into the United States (more than 99.8 percent in 1993) are from Canada. Most of the live swine that are imported from Western Europe into the United States are imported in very small numbers, to be used for genetic improvements of domestic stock. We expect that the importation of swine embryos and semen will not increase as a result of this rule. Movement of swine embryos and semen is limited because the technology is not as advanced as it is for other species.

Like domestic swine producers, the majority of pork producers (97 percent of 1367 meat packing establishments and 98 percent of 1264 other processing plants, according to 1992 data) qualify as small entities. We expect the effect of this rule on these entities will be minimal because, while Spain produces a considerable amount of pork (2.107 million metric tons in 1994), its total pork production amounts to only about 26 percent of the total pork production of the United States. Additionally, most of Spain's pork production is consumed within Spain, as its population consumes pork at a rate greater than 1.6 times that of the U.S. population.

In 1994, Spain exported approximately 83,000 metric tons of pork, but more than 97 percent of these exports were to European countries. While Spanish exports of pork are growing and its imports of pork are declining, Spain has historically been a net importer of pork. From 1991 to 1993, Spain imported well over twice as

much pork as it exported. Even if Spain were able to redirect all of its exports of pork to the United States, it would constitute a small portion of the domestic market, as U.S. pork production was 8 million metric tons in 1994.

Since 1985, the United States has expanded its pork exports by more than four times to reach 240,858 metric tons in 1994. Simultaneously, the United States has decreased its pork imports, as exemplified by a decrease of approximately 34 percent in 1994, and the trend is continuing. In an average year, up to 90 percent of pork imported into the United States comes from Canada and Denmark.

Domestic pork producers most likely to be affected by this rule are a small number of domestic producers of specific specialty pork products. We anticipate increased imports into the United States from Spain of dry-cured, ready-to-eat ham; dry-cured, salted, boneless loin; and dry-cured sausages, particularly Serrano ham. Most of these products are similar to Parma and prosciutto hams and other cured pork products being produced domestically and produced in other countries for importation into the United States, but Serrano ham is a specialty product with unique water content, color, aroma, and flavor.

Spain currently produces approximately 350,000 metric tons of all types of cured ham per year. It is estimated that in 1994 more than 975,000 metric tons of all types of cured ham were produced in the United States. While Spanish production of all types of cured ham represents approximately 36 percent of U.S. cured ham production, Spain's domestic consumption of cured pork is considerably higher than consumption in the United States. About 40 percent of Spain's total pork consumption consists of cured pork. In 1994, Spain exported only 4,135 metric tons of cured ham, which amounts to significantly less than 1 percent of total U.S. production of cured pork. These exports were directed primarily to France, Argentina, Portugal, and Germany.

From all indications, only a few of the largest 18 cured pork producers in Spain, which account for 50 percent of Spanish production of cured pork, have an interest in or a capability for penetrating the U.S. market over the foreseeable future. Further, we estimate that the maximum amount of cured pork products that Spain can expect to export to the United States will likely not exceed 500 metric tons annually, and this ceiling will likely not be reached for a period of about 5 years because the imports arriving in the United States from Spain will still be required to meet Food Safety and Inspection Service standards before entering the country.

We estimate that there are approximately 15 companies in the United States producing significant amounts of specialty processed pork products that will compete with the potential imports from Spain. A small portion of these producers are very large, and these specialty products constitute only a small fraction of their overall business. Therefore, we expect the impact of this rule on these large companies will be minimal. However, the small producers may be impacted by additional imports. Yet, without specific information on (1) the quantity of additional imports generated by the rule change, (2) the quantity of domestic production, and (3) the degree to which Spanish imports will displace other imports rather than domestic production, the impact on small domestic producers cannot be predicted.

An alternative to this rule was to make no changes in the regulations. We rejected this alternative because Spain has had no reported cases of ASF since September 1994, and, therefore, we have no scientific reason to continue considering Spain to be a country where ASF exists.

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 new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 is amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

§ 94.8 [Amended]

2. In § 94.8, the introductory text is amended by removing the words '', and Spain'' and by adding the word ''and'' immediately preceding the word ''Portugal''.

Done in Washington, DC, this 16th day of August 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–21455 Filed 8–21–96; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–CE–94–AD; Amendment 39–9722; AD 96–17–12]

RIN 2120–AA64

Airworthiness Directives; Jetstream Aircraft Limited HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 87–07–01, which currently requires the following on Jetstream Aircraft Limited (JAL) HP137 Mk1, Jetstream series 200, and Jetstream Model 3101 airplanes: repetitively inspecting the nose landing gear (NLG) top cap assembly securing bolts for looseness or cracks, retorquing any loose security bolt, and replacing any cracked security bolt. AD 87–07–01 also provides the option of incorporating an NLG modification as terminating action for the repetitive inspections. A report of cracked and loose bolts found on an airplane with the above-referenced NLG modification prompted this action. This action: