

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

#### 9 CFR Part 310

[Docket No. 97-080W]

RIN 0583-AC40

#### Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems—Sample Collection—Technical Amendments and Corrections: Direct Final Rule

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Partial withdrawal of direct final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is withdrawing the part of a direct final rule that added a *Salmonella* performance standard for fresh pork sausage to the Federal meat inspection regulations. FSIS is withdrawing this regulatory amendment because it received an adverse written comment within the scope of the rulemaking in response to the direct final rule. Elsewhere in this issue of the **Federal Register**, FSIS has published a proposed rule for the performance standard.

**EFFECTIVE DATE:** January 12, 1998.

**ADDRESSES:** Submit an original and two copies of written comments to: FSIS Docket Clerk, Docket #97-080W, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102, Cotton Annex, 300 12th Street, SW., Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700. Reference materials cited in this docket will be available for public inspection in the FSIS Docket Room from 8:30 a.m. to 4:30 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Ms. Patricia Stolfa, Assistant Deputy Administrator, Office of Policy, Program

Development and Evaluation, (202) 205-0699.

**SUPPLEMENTARY INFORMATION:** In a direct final rule published in the **Federal Register** on November 14, 1997 (62 FR 61007) FSIS, among other things, notified the public of its intent to establish a *Salmonella* performance standard for fresh pork sausages (9 CFR 310.25(b)(1)). FSIS solicited comments concerning the direct final rule for a 30-day period ending December 15, 1997. FSIS stated that the effective date of the proposed amendment would be 60 days after publication of the direct final rule in the **Federal Register**, unless the Agency received adverse written comments or a notice of intent to submit adverse comments within the scope of the rulemaking by the close of the comment period. FSIS also stated that if it received such comments, it would publish a notice in the **Federal Register** withdrawing the direct final rule before the scheduled effective date and would publish a proposed rule for public comment.

FSIS received adverse comments within the scope of the rulemaking from the law firm of McDermott, Will & Emery representing Jimmy Dean Foods, Inc. and Odom's Tennessee Pride Sausage, Inc. Therefore, FSIS is withdrawing the 9 CFR 310.25(b)(1) *Salmonella* performance standard regulatory amendment and is issuing a proposed rule elsewhere in this issue of the **Federal Register**. There were no adverse comments received regarding the other provisions of the direct final rule. Therefore, the following provisions will become effective on January 13, 1997: (1) The amendment to 9 CFR § 381.94 allowing poultry samples to be taken from the end of the slaughter line if collecting samples from the end of the chilling process is impracticable; (2) the amendment to 9 CFR § 381.94 allowing turkeys to be sampled by sponging the carcass on the back and thigh; and (3) the technical correction to 9 CFR § 417.2 to reference the Poultry Products Inspection Act.

For the reasons set forth in the preamble, the amendment revising table 2 in § 310.25(b)(1), published at 62 FR 61008 (November 14, 1997), is withdrawn.

Done at Washington, DC, on January 5, 1998.

**Thomas J. Billy,**  
Administrator.

[FR Doc. 98-575 Filed 1-9-98; 8:45 am]

BILLING CODE 3410-DM-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-NM-113-AD; Amendment 39-10274; AD 98-01-11]

RIN 2120-AA64

#### Airworthiness Directives; Dornier Model 328-100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328-100 series airplanes, that requires replacement of certain electrical terminals with new electrical terminals. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent loose electrical connections from causing an increase in electrical resistance, which could result in overheating at the electrical terminals and consequent smoke/fire in the airplane passenger cabin.

**DATES:** Effective February 17, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 17, 1998.

**ADDRESSES:** The service information referenced in this AD may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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:** Norman B. Martenson, Manager,

International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328-100 series airplanes was published in the **Federal Register** on November 7, 1997 (62 FR 60188). That action proposed to require replacement of certain electrical terminals with new electrical terminals.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received.

Both commenters support the proposed rule.

#### Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

The FAA estimates that 7 Model 328-100 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$840, or \$120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

#### Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism

implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

##### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**98-01-11 Dornier:** Amendment 39-10274. Docket 97-NM-113-AD.

**Applicability:** Model 328-100 series airplanes, serial numbers 3005 through 3015 inclusive, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously. To prevent loose electrical connections from causing an increase in electrical resistance, which could result in overheating at the electrical terminals and consequent smoke/fire in the airplane passenger cabin, accomplish the following:

(a) Within 100 flight hours after the effective date of this AD, replace the electrical terminals in the passenger cabin with new electrical terminals, in accordance with Dornier Service Bulletin SB-328-24-188, dated September 11, 1996.

(b) As of the effective date of this AD, no person shall install an electrical terminal having part number 001A903A8010002, 001A903A8020002, or 001A903A8030002 on any airplane.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The replacement shall be done in accordance with Dornier Service Bulletin SB-328-24-188, dated September 11, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. Copies may be inspected 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.

**Note 3:** The subject of this AD is addressed in German airworthiness directive 96-291, dated November 7, 1996.

(f) This amendment becomes effective on February 17, 1998.

Issued in Renton, Washington, on December 30, 1997.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 98-209 Filed 1-9-98; 8:45 am]

**BILLING CODE 4910-13-P**