

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 97-101-1]

#### Imported Fire Ant Quarantined Areas

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

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the imported fire ant regulations by designating as quarantined areas all or portions of 10 counties in North Carolina, 3 counties in Oklahoma, 5 counties in South Carolina, 15 counties in Tennessee, and 13 counties in Texas. This action expands the areas quarantined for imported fire ant and imposes certain restrictions on the interstate movement of regulated articles from those areas. This action is necessary to prevent the artificial spread of the imported fire ant to noninfested areas of the United States.

**DATES:** Interim rule effective January 28, 1998. Consideration will be given only to comments received on or before March 30, 1998.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 97-101-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 97-101-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ron Milberg, Operations Officer, Operational Support, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-5255; or e-mail: [rmilberg@aphis.usda.gov](mailto:rmilberg@aphis.usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The imported fire ant regulations (contained in 7 CFR 301.81 through 301.81-10, and referred to below as the regulations) quarantine infested States or infested areas within States and impose restrictions on the interstate movement of certain regulated articles for the purpose of preventing the artificial spread of the imported fire ant.

Imported fire ant, *Solenopsis invicta* Buren and *Solenopsis richteri* Forel, are aggressive, stinging insects that, in large numbers, can seriously injure or even kill livestock, pets, and humans. The imported fire ant feeds on crops and builds large, hard mounds that damage farm and field machinery. The imported fire ant is not native to the United States. The regulations prevent the imported fire ant from spreading throughout its ecological range within this country.

The regulations in § 301.81-3 provide that the Administrator of the Animal and Plant Health Inspection Service (APHIS) will list as a quarantined area each State, or each portion of a State, that is infested with imported fire ants. The Administrator will designate less than an entire State as a quarantined area only under the following conditions: (1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles listed in § 301.81-2 that are equivalent to the interstate movement restrictions imposed by the regulations; and (2) designating less than the entire State will prevent the spread of the imported fire ant. The Administrator may include uninfested acreage within a quarantined area due to its proximity to an infestation or its inseparability from an infested locality for quarantine purposes.

We are amending § 301.81-3(e) by designating all or portions of the following counties as quarantined areas: Cabarrus, Dare, Greene, Mecklenburg, Montgomery, Moore, Pitt, Sampson, Stanly, and Wayne Counties in North Carolina; Choctaw, Comanche, and Johnston Counties in Oklahoma;

Cherokee, Oconee, Pickens, Spartanburg, and York Counties in South Carolina; Bradley, Chester, Decatur, Fayette, Franklin, Giles, Hamilton, Henderson, Lawrence, Lincoln, Marion, McMinn, Polk, Shelby, and Wayne Counties in Tennessee; and Brown, Ector, Hidalgo, Jones, Kimble, La Salle, Maverick, Midland, Palo Pinto, Red River, Stephens, Val Verde, and Willacy Counties in Texas. We are taking this action because recent surveys conducted by APHIS and State and county agencies reveal that the imported fire ant has spread to these areas. See the rule portion of this document for specific descriptions of the new quarantined areas.

##### Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the artificial spread of the imported fire ant into noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon publication in the **Federal Register**. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

##### 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 action affects the interstate movement of regulated articles from specified areas in North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. Affected entities include nurserymen, sod and hay growers, farm equipment dealers, construction companies, and others who sell, process, or move regulated articles interstate. There are approximately 890

establishments within the newly regulated areas that could be affected by this interim rule; nearly 98 percent of these are small entities. However, most of the sales for these entities are local intrastate or within the regulated area, and would not be affected by this regulation.

The effect on those entities that do move regulated articles interstate is minimized by the availability of various treatments that, in most cases, will permit the movement of regulated articles with very little additional cost. Treatment costs range between \$30 and \$50 per shipment. The total projected annual cost of treatment required as a result of this rule is approximately \$83,380. In 1992, the sales of nursery stock, sod, hay, and other regulated articles in the newly regulated areas had a market value of approximately \$77 million. The potential costs to affected entities of treatments required as a result of this rule are minimal compared to the total value of regulated articles sold in these areas.

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 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.

**National Environmental Policy Act**

An environmental assessment and finding of no significant impact have been prepared for this program. The assessment provides a basis for the conclusion that the methods employed to regulate the imported fire ant will not significantly affect the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

**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 301**

Agricultural commodities, Incorporation by reference, 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. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In §301.81–3, paragraph (e), the list of quarantined areas is amended as follows:

a. By adding, in alphabetical order, the entries for Cabarrus, Greene, Moore, Stanly, and Wayne Counties in North Carolina to read as set forth below;

b. By adding, in alphabetical order, the entries for Choctaw, Comanche, and Johnston Counties in Oklahoma to read as set forth below;

c. By adding, in alphabetical order, the entries for Cherokee, Oconee, Pickens, and Spartanburg Counties in South Carolina to read as set forth below;

d. By adding, in alphabetical order, the entries for Chester, Decatur, Franklin, Giles, Henderson, Lawrence, Lincoln, Marion, Polk, and Shelby Counties in Tennessee to read as set forth below;

e. By adding, in alphabetical order, the entries for Brown, Ector, Hidalgo, Jones, La Salle, Maverick, Palo Pinto, Red River, Stephens, Val Verde, and Willacy Counties in Texas to read as set forth below;

f. By revising the entries for Dare, Mecklenburg, Montgomery, Pitt, and Sampson Counties in North Carolina to read as set forth below;

g. By revising the entry for York County in South Carolina to read as set forth below;

h. By revising the entries for Bradley, Fayette, Hamilton, McMinn, and Wayne Counties in Tennessee to read as set forth below; and

i. By revising the entries for Kimble and Midland Counties in Texas to read as set forth below.

**§ 301.81–3 Quarantined areas.**

\* \* \* \* \*  
(e) \* \* \*  
\* \* \* \* \*

**North Carolina**

\* \* \* \* \*

*Cabarrus County.* That portion of the county bounded by a line beginning at the intersection of the Cabarrus/Mecklenburg County line and State Highway 73; then east along State Highway 73 to U.S. Highway 601 Business; then southeast along U.S. Highway 601 Business to State Highway 200; then southeast along State Highway 200 to the Cabarrus/Stanly County line; then south along the Cabarrus/Stanly County line to the Cabarrus/Union County line; then northwest along the Cabarrus/Union County line to the Cabarrus/Mecklenburg County line; then northwest along the Cabarrus/Mecklenburg County line to the point of beginning.

\* \* \* \* \*

*Dare County.* The entire county, excluding the portion of the barrier islands south of Oregon Inlet.

\* \* \* \* \*

*Greene County.* That portion of the county beginning at the intersection of the Greene/Lenoir County line and U.S. Highway 258; then north along U.S. Highway 258 to the Greene/Pitt County line; then south along the Greene/Pitt County line to the Greene/Lenoir County line; then southwest along the Greene/Lenoir County line to the point of beginning.

\* \* \* \* \*

*Mecklenburg County.* That portion of the county beginning at the intersection of the Mecklenburg/Cabarrus County line and State Road 2459 (Eastfield Road); then south along State Road 2459 (Eastfield Road) to State Highway 115; then north along State Highway 115 to State Road 2117 (Hambright Road); then west along State Road 2117 (Hambright Road) to State Road 2074 (Beatties Road/Neck Road); then west along State Road 2074 (Beatties Road/Neck Road) to the Catawba River; then south along the shoreline of the Catawba River to the North Carolina/South Carolina State line; then east, north, and west along the North Carolina/South Carolina State line to the Mecklenburg/Union County line; then northeast along the Mecklenburg/Union County line to the Mecklenburg/Cabarrus County line; then northwest along the Mecklenburg/Cabarrus County line to the point of beginning.

*Montgomery County.* The entire county.

*Moore County.* That portion of the county bounded by a line beginning at the intersection of the Moore/Chatham County line and State Highway 22; then south along State Highway 22 to State Highway 24/27; then east along State Highway 24/27 to State Road 1805 (Union Church Road); then southeast along State Road 1805 (Union Church Road) to U.S. Highway 1; then south along U.S. Highway 1 to State Road 1001 (Lobelia Road); then southeast along State Road 1001 (Lobelia Road) to the Moore/Cumberland County line; then north along the Moore/Cumberland County line to the Moore/Harnett County line; then north, west, and east along the Moore/Harnett County line to the Moore/Lee County line; then northwest along the Moore/Lee County line to the Moore/Chatham County line; then west along the Moore/Chatham County line to the point of beginning.

\* \* \* \* \*  
*Pitt County.* The entire county.  
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*Sampson County.* That portion of the county bounded by a line beginning at the intersection of the Sampson/Cumberland County line and U.S. Highway 13; then northeast along U.S. Highway 13 to the Sampson/Wayne County line; then southeast along the Sampson/Wayne County line to the Sampson/Duplin County line; then south and east along the Sampson/Duplin County line to the Sampson/Pender County line; then southwest along the Sampson/Pender County line to the Sampson/Bladen County line; then northwest along the Sampson/Bladen County line to the Sampson/

Cumberland County line; then northwest along the Sampson/Cumberland County line to the point of beginning.

\* \* \* \* \*  
*Stanly County.* That portion of the county bounded by a line beginning at the intersection of the Stanly/Cabarrus County line and State Highway 24/27; then east along State Highway 24/27 to the Stanly/Montgomery County line; then south along the Stanly/Montgomery County line to the Stanly/Anson County line; then west along the Stanly/Anson County line to the Stanly/Union County line; then west along the Stanly/Union County line to the Stanly/Cabarrus County line; then north along the Stanly/Cabarrus County line to the point of beginning.

\* \* \* \* \*  
*Wayne County.* That portion of the county bounded by a line beginning at the intersection of the Wayne/Duplin County line and U.S. Highway 117; then north along U.S. Highway 117 to State Highway 111; then north along State Highway 111 to State Road 1003 (New Hope Road); then east along State Road 1003 (New Hope Road) to State Road 1714 (Parkstown Road); then east along State Road 1714 (Parkstown Road) to the Wayne/Lenoir County line; then south along the Wayne/Lenoir County line to the Wayne/Duplin County line; then west along the Wayne/Duplin County line to the point of beginning.

**Oklahoma**

\* \* \* \* \*  
*Choctaw County.* The entire county.  
*Comanche County.* The entire county.  
*Johnston County.* The entire county.  
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**South Carolina**

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*Cherokee County.* That portion of the county bounded by a line beginning at the intersection of the Cherokee/Spartanburg County line and Interstate Highway 85; then north along Interstate Highway 85 to the South Carolina/North Carolina State line; then east along the South Carolina/North Carolina State line to the Cherokee/York County line; then south along the Cherokee/York County line to the Cherokee/Union County line; then northwest along the Cherokee/Union County line to the Cherokee/Spartanburg County line; then northwest along the Cherokee/Spartanburg County line to the point of beginning.

\* \* \* \* \*  
*Oconee County.* That portion of the county bounded by a line beginning at the intersection of the South Carolina/

Georgia State line and U.S. Highway 123; then east along U.S. Highway 123 to U.S. Highway 76; then southeast along U.S. Highway 76 to State Highway 183; then northeast along State Highway 183 to Oconee County Road 107; then east along Oconee County Road 107 to State Highway 11; then north along State Highway 11 to State Highway 183; then east along State Highway 183 to the Oconee/Pickens County line; then south along the Oconee/Pickens County line to the Oconee/Anderson County line; then southwest along the Oconee/Anderson County line to the South Carolina/Georgia State line; then northwest along the South Carolina/Georgia State line to the point of beginning.

\* \* \* \* \*  
*Pickens County.* That portion of the county bounded by a line beginning at the intersection of the Pickens/Oconee County line and State Highway 183; then northeast along State Highway 183 to Pickens County Road 160; then southeast along Pickens County Road 160 to State Highway 133; then south along State Highway 133 to Pickens County Road 15; then southeast along Pickens County Road 15 to State Highway 93; then northeast along State Highway 93 to Pickens County Road 395; then east along Pickens County Road 395 to Pickens County Road 27; then south along Pickens County Road 27 to U.S. Highway 123; then northeast along U.S. Highway 123 to U.S. Highway 178; then south along U.S. Highway 178 to the Pickens/Anderson County line; then southwest along the Pickens/Anderson County line to the Pickens/Oconee County line; then north along the Pickens/Oconee County line to the point of beginning.

\* \* \* \* \*  
*Spartanburg County.* That portion of the county bounded by a line beginning at the intersection of the Spartanburg/Greenville County line and State Highway 357; then northeast along State Highway 357 to Spartanburg County Road 38; then east along Spartanburg County Road 38 to U.S. Highway 176; then southeast along U.S. Highway 176 to Spartanburg County Road 56; then east along Spartanburg County Road 56 to U.S. Highway 221; then northeast along U.S. Highway 221 to Spartanburg County Road 105; then southeast along Spartanburg County Road 105 to State Highway 110; then north along State Highway 110 to the Spartanburg/Cherokee County line; then south along the Spartanburg/Cherokee County line to the Spartanburg/Union County line; then southwest along the Spartanburg/Union County line to the Spartanburg/

Laurens County line; then northwest along the Spartanburg/Laurens County line to the Spartanburg/Greenville County line; then northwest and north along the Spartanburg/Greenville County line to the point of beginning.  
\* \* \* \* \*

York County. The entire county.

**Tennessee**

Bradley County. The entire county.

Chester County. The entire county.

Decatur County. That portion of the county lying south of State Highway 100.

Fayette County. That portion of the county lying south of U.S. Highway 64. That portion of the county lying east of State Highway 76.

Franklin County. That portion of the county lying south of latitude 35°5'.

Giles County. That portion of the county lying south of U.S. Highway 64.

Hamilton County. The entire county.  
\* \* \* \* \*

Henderson County. That portion of the county lying south of State Highway 100.

Lawrence County. That portion of the county lying south of U.S. Highway 64.

Lincoln County. That portion of the county lying south of latitude 35°5'.

Marion County. That portion of the county lying south of latitude 35°10'.

McMinn County. That portion of the county lying south of latitude 35°20'.  
\* \* \* \* \*

Polk County. The entire county.

Shelby County. That portion of the county lying south of latitude 35° 13'.

Wayne County. The entire county.

**Texas**

\* \* \* \* \*

Brown County. The entire county.

\* \* \* \* \*

Ector County. The entire county.

\* \* \* \* \*

Hidalgo County. The entire county.

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Jones County. The entire county.

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Kimble County. The entire county.

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La Salle County. The entire county.

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Maverick County. The entire county.

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Midland County. The entire county.

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Palo Pinto County. The entire county.

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Red River County. The entire county.

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Stephens County. The entire county.  
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Val Verde County. The entire county.  
\* \* \* \* \*

Willacy County. The entire county.  
\* \* \* \* \*

Done in Washington, DC, this 22nd day of January 1998.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-2050 Filed 1-27-98; 8:45 am]

BILLING CODE 3410-34-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 94-ANE-44; Amendment 39-10291; AD 98-02-08]

RIN 2120-AA64

**Airworthiness Directives; Certain Textron Lycoming 320 and 360 Series Reciprocating Engines**

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Textron Lycoming 320 and 360 series reciprocating engines, that requires visual inspections of the inside diameter (ID) of the crankshaft for corrosion pits, and if corrosion pits are found during this inspection, prior to further flight, performing a magnetic particle inspection (MPI) or fluorescent penetrant inspection (FPI) of the ID for cracks. In addition, this AD requires reporting findings of inspections to the FAA. Finally, terminating action to the inspections of this AD is the application of a preventive treatment coating on non-corroded crankshafts to prevent corrosion. This amendment is prompted by reports of cracks in crankshafts originating from corrosion pits in the ID. The actions specified by this AD are intended to prevent crankshaft failure, which can result in engine failure, propeller separation, forced landing, and possible damage to the aircraft.

**DATES:** Effective March 30, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 30, 1998.

**ADDRESSES:** The service information referenced in this AD may be obtained from Textron Lycoming, 652 Oliver St., Williamsport, PA 17701; telephone (717) 327-7080, fax (717) 327-7100. This information may be examined at

the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Rocco Viselli or Raymond Reinhardt, Aerospace Engineers, New York Aircraft Certification Office, FAA, Engine and Propeller Directorate, 10 Fifth St., Valley Stream, NY 11581-1200; telephone (516) 256-7531, fax (516) 568-2716.

**SUPPLEMENTARY INFORMATION:** On October 18, 1993, the Civil Aviation Authority (CAA), which is the airworthiness authority of the United Kingdom (UK), received a report that a Piper PA-28-161 aircraft, with a Textron Lycoming O-320-D3G reciprocating engine installed, executed a forced landing due to an engine crankshaft failure which caused the propeller to separate from the aircraft. The cause of the crankshaft failure was determined to be due to a high cycle fatigue mechanism that had initiated from a number of corrosion pits in the crankshaft bore. After the cracks had progressed through a substantial proportion of the crankshaft section, the rate of advance had increased until the remaining unseparated portion had failed as a result of overload. The cracking occurred in high cycle fatigue and it had progressed over an extended period of service. At the time of the accident the engine had operated for 1,950 hours time in service (TIS) since overhaul and had accumulated 4,429 hours total time since new over a period of 16 years. In addition, the Federal Aviation Administration (FAA) has confirmed that four other failures in the United States and 10 in foreign countries were due to cracks initiating from corrosion pits in the crankshaft bore on certain Textron Lycoming 320 and 360 reciprocating engines with ratings of 160 horsepower or greater. Of the 10 failures in foreign countries, four resulted in the propeller separating from the aircraft inflight. Three of these four were from 1993 to 1996. The FAA utilized metallurgical failure analysis reports and other information to conclude that these failures were due to cracks originating from corrosion pits. This condition, if not corrected, could result in crankshaft failure, which can result in engine failure, propeller separation, forced landing, and possible damage to the aircraft.

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would