

(i) Deficiencies in quality, in accordance with the Official United States Standards for Grain, result in the canola not meeting the grade requirements for U.S. No. 3 or better (U.S. Sample grade) because of kernel damage (excluding heat damage), or a musty, sour, or commercially objectionable foreign odor; or

(ii) Substances or conditions are present that are identified by the Food and Drug Administration or other public health organizations of the United States as being injurious to human or animal health.

(3) Quality will be a factor in determining your loss in canola production only if:

(i) The deficiencies, substances, or conditions resulted from a cause of loss against which insurance is provided under these Crop Provisions and which occurs within the insurance period;

(ii) The deficiencies, substances, or conditions result in a net price for the damaged production that is less than the local market price;

(iii) All determinations of these deficiencies, substances, or conditions are made using samples of the production obtained by us or by a disinterested third party approved by us; and

(iv) The samples are analyzed by a grader licensed to grade canola under the authority of the United States Grain Standards Act or the United States Warehouse Act with regard to deficiencies in quality, or by a laboratory approved by us with regard to substances or conditions injurious to human or animal health.

(4) Canola production that is eligible for quality adjustment, as specified in sections 12(d)(2) and (3), will be reduced:

(i) In accordance with the quality adjustment factors contained in the Special Provisions; or

(ii) As follows if quality adjustment factors are not contained in the Special Provisions:

(A) Divide the price of damaged production by the local market price to determine the quality adjustment factor.

(B) The number of pounds remaining after any reduction due to excessive moisture (the moisture-adjusted gross pounds) of the damaged or conditioned production will then be multiplied by the quality adjustment factor to determine the net production to count.

(5) For canola, the price of damaged production and the local market price will be determined at the earlier of the date such quality adjusted production is sold or the date of final inspection for the unit subject to the following conditions:

(i) Discounts used to establish the price of damaged production will be limited to those that are usual, customary, and reasonable.

(ii) The price of damaged production will not be reduced for:

(A) Moisture content;

(B) Damage due to uninsured causes;

(C) Drying, handling, processing, or any other costs associated with normal harvesting, handling, and marketing of the canola; except, if the price of damaged production can be increased by conditioning, we may reduce the price of damaged production after the production has been conditioned by the cost of conditioning but

not lower than the price of damaged production before conditioning. We may obtain prices of damaged production from any buyer of our choice. If we obtain prices of damaged production from one or more buyers located outside your local market area, we will reduce such price of damaged production by the additional costs required to deliver the canola to those buyers; or

(D) Erucic acid or glucosinolates in excess of the amount allowed under the definition of canola contained in the Official United States Standards for Grain; and

(iii) Factors not associated with grading under the Official United States Standards for Grain including, but not limited to protein and oil, will not be considered.

(e) Any production harvested from plants growing in the insured crop may be counted as production of the insured crop on an unadjusted weight basis.

For example:

You have 100 percent share in 25 acres of Fall Oleic Canola in a unit with a 650 pound production guarantee and a price election of \$0.11 per pound. You are only able to harvest 14,700 pounds and there is no appraised production. Your indemnity would be calculated as follows:

- (1) 25 acres x 650 pounds = 16,250 pounds of Fall Oleic Canola;
- (2) 16,250 pounds x \$0.11 price election = \$1,788 value of guarantee for Fall Oleic Canola;
- (3) 14,700 pounds x \$0.11 price election = \$1,617 total value of production to count for Fall Oleic Canola;
- (4) \$1,788 value of guarantee - \$1,617 value of production to count = \$171 value of loss; and
- (5) \$171 value of loss x 100 percent = \$171 indemnity payment.

You also have a 100 percent share in 50 acres of Fall High Erucic Rapeseed in the same unit with a production guarantee of 750 pounds per acre and a price election of \$0.15 per pound. You are only able to harvest 14,000 pounds and there is no appraised production. Your total indemnity for both Fall Oleic Canola and Fall High Erucic Rapeseed would be calculated as follows:

- (1) 25 acres x 650 pounds = 16,250 pounds guarantee for the Fall Oleic Canola, and 50 acres x 750 pounds = 37,500 pounds guarantee for the Fall High Erucic Rapeseed;
- (2) 16,250 pounds guarantee x \$0.11 price election = \$1,788 value of the guarantee for the Fall Oleic Canola, and 37,500 pounds guarantee x \$0.15 price election = \$5,625 value of the guarantee for the Fall High Erucic Rapeseed;
- (3) \$1,788 + \$5,625 = \$7,413 total value of the guarantees;
- (4) 14,700 pound x \$0.11 price election = \$1,617 value of production to count for the Fall Oleic Canola, and 14,000 pounds x \$0.15 price election = \$2,100 value of production to count for the Fall High Erucic Rapeseed;
- (5) \$1,617 + \$2,100 = \$3,717 total value of production to count;
- (6) \$7,413 value of guarantee - \$3,717 value of production = \$3,696 loss; and
- (7) \$3,696 value of loss x 100 percent = \$3,696 indemnity payment.

13. Late Planting.

In lieu of section 16(a) of the Basic Provisions, the production guarantee for each acre planted to the insured crop during the late planting period will be reduced by 1 percent per day for each day planted after the final planting date unless otherwise specified in the Special Provisions.

14. Prevented Planting.

In addition to the provisions contained in section 17 of the Basic Provisions, your prevented planting coverage will be 60 percent of your production guarantee for timely planted acreage. If you have limited or additional levels of coverage, as specified in 7 CFR part 400, subpart T, and pay an additional premium, you may increase your prevented planting coverage to the levels specified in the actuarial documents.

Signed in Washington, D.C., on December 11, 1997.

**Suzette Dittrich,**

*Deputy Manager,*

*Federal Crop Insurance Corporation.*

[FR Doc. 97-32848 Filed 12-16-97; 8:45 am]

BILLING CODE 3410-08-P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 94

[Docket No. 97-118-1]

#### Change in Disease Status of Luxembourg Because of BSE

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

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

**SUMMARY:** We are amending the regulations by adding Luxembourg to the list of regions where bovine spongiform encephalopathy (BSE) exists because the disease has been detected in a cow in that region. The effect of this action is to prohibit or restrict the importation of ruminants which have been in Luxembourg and certain fresh (chilled or frozen) meat, and certain other animal products and animal byproducts from ruminants which have been in Luxembourg. This action is necessary to reduce the risk that BSE could be introduced into the United States.

**DATES:** Interim rule effective December 2, 1997. Consideration will be given only to comments received on or before February 17, 1998.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 97-118-1, 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. 97-118-1. 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:** Dr. John Cougill, Staff Veterinarian, Animal Products Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737-1231, (301) 734-3399; or e-mail: [jcougill@aphis.usda.gov](mailto:jcougill@aphis.usda.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The regulations in 9 CFR parts 93, 94, and 95 (referred to below as the regulations) govern the importation of certain animals, birds, poultry, meat, animal products, animal byproducts, hay, and straw into the United States in order to prevent the introduction of various animal diseases, including bovine spongiform encephalopathy (BSE).

BSE is a neurological disease of bovine animals and other ruminants and is not known to exist in the United States.

It appears that BSE is primarily spread through the use of ruminant feed containing protein and other products from ruminants infected with BSE. Therefore, BSE could become established in the United States if materials carrying the BSE agent, such as certain meat, animal products, and animal byproducts from ruminants in regions in which BSE exists, are imported into the United States and are fed to ruminants in the United States. BSE could also become established in the United States if ruminants from regions in which BSE exists are imported.

Sections 94.18 and 95.4 of the regulations prohibit and restrict the importation of certain meat, animal products, and animal byproducts from ruminants which have been in regions in which BSE exists. These regions are listed in § 94.18 of the regulations. Furthermore, § 93.404(a)(3) states that the Animal and Plant Health Inspection Service may deny the importation of ruminants from regions where a communicable disease such as BSE exists.

Luxembourg's Ministry of Agriculture has reported a case of BSE in Luxembourg. BSE was confirmed by histopathological examination

according to standardized procedures for the diagnosis of BSE. Luxembourg's Ministry of Agriculture confirmed that BSE was in a cow born in Luxembourg. The exposure of this animal to the BSE agent could only have occurred in Luxembourg. In order to reduce the risk of introducing BSE into the United States, we are, therefore, adding Luxembourg to the list of regions where BSE is known to exist. Thus, we are prohibiting or restricting the importation into the United States of ruminants which have been in Luxembourg, and certain fresh (chilled or frozen) meat, and certain other animal products and animal byproducts from ruminants which have been in Luxembourg.

We are making this action effective retroactively to December 2, 1997, as that was the day on which the case of BSE was reported by Luxembourg's Ministry of Agriculture. This effective date is necessary to ensure that the prohibitions and restrictions established by this rule apply to ruminants, as well as fresh (chilled or frozen) meat, and certain other animal products and animal byproducts from ruminants that have been shipped to the United States from Luxembourg on or after October 31, 1997.

**Immediate Action**

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the introduction of BSE into 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 this rule effective on December 2, 1997. 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 adds Luxembourg to the list of regions where BSE exists. We are

taking this action based on reports we have received from Luxembourg's Ministry of Agriculture, which confirmed that a case of BSE has occurred in Luxembourg.

This emergency situation makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. If we determine that this rule will have a significant economic impact on a substantial number of small entities, then we will discuss the issues raised by section 604 of the Regulatory Flexibility Act in our Final Regulatory Flexibility Analysis.

**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 retroactive effect to December 2, 1997; 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 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), EXOTIC 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).

**§ 94.18 [Amended]**

2. In § 94.18, paragraph (a) is amended by adding the word "Luxembourg," immediately after "Great Britain,".

Done in Washington, DC, this 11th day of December 1997.

**Craig A. Reed,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97-32811 Filed 12-16-97; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-SW-54-AD; Amendment 39-10252; AD 97-26-09]

RIN 2120-AA64

#### **Airworthiness Directives; Agusta S.p.A. Model A109K2 Helicopters**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to Agusta S.p.A (Agusta) Model A109K2 helicopters. This action requires inspecting the Gleason crown on the main transmission for cracks, and replacing the Gleason crown with an airworthy Gleason crown if any crack is found. This amendment is prompted by three reports of fatigue cracks found in the Gleason crown. The actions specified in this AD are intended to prevent failure of the Gleason crown, failure of the main transmission and subsequent loss of control of the helicopter.

**DATES:** Effective January 2, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 2, 1998.

Comments for inclusion in the Rules Docket must be received on or before February 17, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of Regional Counsel, Southwest Region, Attention: Rules Docket No. 97-SW-54-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from Agusta, 21017 Cascina Costa di Samarate (VA), Via Giovanni Agusta 520, telephone (0331) 229111, fax (0331) 229605-222595. This information may be examined at the FAA, Office of Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal

Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Scott Horn, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5125, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** The Registro Aeronautico Italiano (RAI), which is the airworthiness authority for Italy, recently notified the FAA that an unsafe condition may exist on Agusta Model A109K2 helicopters with main transmission assembly, part number (P/N) 109-0400-03, serial number (S/N) 005, 006, 007, 008, 010, 011, 012, 013, 014, 015, 016, 017, 018, 020, 022, 024, 027, 030, 031, 032, 033, 034, 035, 038, 039, 042, 047, 048, A2/1053, A2/1073, A2/1397, or B54895 e C347. The RAI advises that, due to reports of cracks being discovered in the Gleason crown on the main transmission, the actions specified by the Agusta Bollettino Tecnico (Technical Bulletin) No. 109K-16, dated April 24, 1997, are mandatory.

Agusta has issued Agusta Bollettino Tecnico (Technical Bulletin) No. 109K-16, dated April 24, 1997, which specifies a magnetic particle inspection of certain Gleason crowns for cracks. The RAI classified this service bulletin as mandatory and issued AD 97-122, dated April 29, 1997, in order to assure the continued airworthiness of these helicopters in Italy.

This helicopter model is manufactured in Italy 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 RAI has kept the FAA informed of the situation described above. The FAA has examined the findings of the RAI, 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 Agusta Model A109K2 helicopters of the same type design registered in the United States, this AD is being issued to prevent failure of the Gleason crown, failure of the main transmission, and subsequent loss of control of the helicopter. The Gleason crown is a part of the main transmission assembly and is therefore a critical component of the main rotor drive system. Due to the criticality of the Gleason crown to the continued safe

flight of the affected helicopters, and the required inspection before the next 50 hours time-in-service (TIS), this rule must be issued immediately to correct an unsafe condition. This AD requires, within 50 hours TIS and thereafter at intervals not to exceed 300 hours TIS, a magnetic particle inspection of the main transmission Gleason crown for cracks. If any crack is found, replacement of the Gleason crown, P/N 109-0403-07-103, with an airworthy Gleason crown, P/N 109-0403-07-103, S/N B58264 through S/N B58270, or S/N B58272 and subsequent (S/N B58271 is not an acceptable replacement part), and vibro-etching the main transmission tag with "S.M. 109-25094" are required. These actions are required to be accomplished in accordance with the technical bulletin described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### **Comments Invited**

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments