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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 17

Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends regulations applicable to the financing of the sale and exportation of agricultural commodities pursuant to title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480).

The amendment deletes one document from the list of those documents currently required to be submitted by the commodity supplier to the banking institution to support a request for payment; and deletes the contracting and documentary requirements for commodities which have not been shipped under the program for a number of years.

The purpose of these changes is to reduce the documentation required for payment to commodity suppliers and to simplify and shorten the regulations.

EFFECTIVE DATE: May 23, 1996. See **SUPPLEMENTARY INFORMATION** for compliance requirements.

FOR FURTHER INFORMATION CONTACT: Connie B. Delaplane, Director, Public Law 480 Operations Division, Export Credits, Foreign Agricultural Service, U.S. Department of Agriculture, Room 4549, South Building, 14th and Independence, SW., Washington, DC 20250-1033. Telephone: (202) 720-3664.

SUPPLEMENTARY INFORMATION: This final rule is issued in conformance with Executive Order 12866. It has been determined to be significant for the

purposes of E.O. 12866 and, therefore, has been reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

This final rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act. The General Sales Manager has certified that this rule will not have a significant economic impact on a substantial number of small entities. There will be no significant economic impact from this final rule on small or large entities. A copy of this final rule has been submitted to the General Counsel, Small Business Administration.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12778

This final rule has been reviewed under the Executive Order 12778, Civil Justice Reform. The final rule would have preemptive effect with respect to any state or local laws, regulations, or policies which conflict with such provisions or which otherwise impede their full implementation. The final rule would not have retroactive effect. The rule does not require that administrative remedies be exhausted before suit may be filed.

Background

The Secretary of Agriculture implements title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480). This function is delegated to the General Sales Manager, Foreign Agricultural Service. On August 22, 1995, the Foreign Agricultural Service (FAS) published a proposed rule (60 FR 43566) to amend the regulations governing the financing of the sale and exportation of agricultural commodities made available under title I, Public Law 480.

Discussion of Comments

Only one comment was received, fully supporting the proposed changes to the regulations: (1) Removing from the regulations information regarding a number of inactive commodities and (2)

Eliminating one document currently required to be submitted by commodity suppliers seeking payment.

Effective Date

The provisions of this rule shall apply to contracts entered into under purchase authorizations issued on or after May 23, 1996.

Paperwork Reduction Act

This final rule does not contain any information collection requirements that require OMB approval under the provisions of the Paperwork Reduction Act.

List of Subjects in 7 CFR Part 17

Agricultural commodities, Exports, Finance; Maritime carriers.

Accordingly, 7 CFR Part 17, Subpart A, is amended as follows:

1. The authority citation for Part 17 continues to read as follows:

Authority: 7 U.S.C. 1701-1705, 1736a, 1736c, 5676; E.O. 12220, 45 FR 44245.

§ 17.2 [Amended]

2. Section 17.2 is amended by removing the last sentence of the definition of "Form CCC-106" in paragraph (b).

3. Section 17.14 is amended by removing the word "(white)" from the first sentence of paragraph (d)(1); revising the last sentence of paragraph (d)(1) and all of paragraph (d)(2)(i) to read as follows; and removing the word "(yellow)" from paragraph (d)(2)(ii), as follows:

§ 17.14 Ocean transportation.

* * * * *

(d) *Advice of vessel approval.* * * *

(1) *For cotton.* * * * If CCC finances any part of the ocean freight when cotton is shipped on an f.a.s. basis, a signed original copy of this form will be issued to the ocean carrier.

(2) *For commodities other than cotton.* * * *

(i) For shipments to be made on an f.o.b. or f.a.s. basis, when CCC finances any part of the cost of ocean freight, the original of Form CCC-106-2 will be issued to the ocean carrier.

* * * * *

§ 17.18 [Amended]

4. Section 17.18 is amended by adding the phrase "for c. & f. or c.i.f. sales" at the end of paragraph (c)(8)(ii).

§ 17.20 [Amended]

5. Section 17.20 is amended by changing the reference to "sections (V) and (W)" to read "sections (D) and (E)" in paragraph (a)(9)(i).

Appendices A and B [Amended]

6. Appendix A and Appendix B are amended by removing existing sections (D), (E), (G), (I), (J), (L), (M), (N), (O), (P), (Q), (R), (S), (T), and (U); redesignating existing section (K) as (G); redesignating existing section (V) as (D); and redesignating existing section (W) as (E).

7. Appendix B is amended by changing the reference to "section (K)(7)(b)" to read "section (G)(7)(b)" in newly redesignated paragraph (G)(1)(j) and by adding the phrase "for c. & f. or c.i.f. sales" at the end of the following paragraphs: (A)(1)(d) and (2)(d); (B)(4); (C)(1)(d) and (2)(d); newly redesignated (D)(4) and (E)(4); (F)(1)(d) and (2)(d); newly redesignated (G)(1)(d) and (2)(d); and (H)(1)(d) and (2)(d).

Signed at Washington, D.C. on February 22, 1996.

Christopher E. Goldthwait,
General Sales Manager, Foreign Agricultural Service and Vice President, Commodity Credit Corporation.

[FR Doc. 96-9899 Filed 4-22-96; 8:45 am]

BILLING CODE 3410-10-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 95-NM-98-AD; Amendment 39-9571; AD 96-08-05]

Airworthiness Directives; Boeing Model 747-400 Series Airplanes Powered by General Electric CF6-80C2 or Pratt & Whitney PW4000 Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747-400 series airplanes, that requires modification of the engine fuel feed system. This amendment is prompted by reports indicating that the coupling nut on the fuel tube on the outboard strut (engine position 1) fractured. The actions specified by this AD are intended to prevent such fracturing of the coupling nut, which could result in release of fuel onto the engine cowling and a subsequent fire.

DATES: Effective May 23, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 23, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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: Tamra J. Elkins, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington; telephone (206) 227-2669; fax (206) 227-1181.

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 Boeing Model 747-400 series airplanes was published in the Federal Register on December 12, 1995 (60 FR 63663). That action proposed to require modification of the engine fuel feed system.

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

One commenter supports the proposed rule.

The Air Transport Association (ATA) of America, on behalf of one of its members, requests that the proposed compliance time be extended from 18 months to 24 months to provide time for operators to procure replacement kits and to accomplish the proposed actions during a regularly scheduled maintenance ("C") check. The FAA concurs with the commenter's request. The FAA finds that extending the compliance time to 24 months will not compromise safety; will allow operators sufficient time to procure the necessary replacement kits (estimated by the manufacturer to take approximately nine months); and will allow the modification to be accomplished during a "C" check interval (15 months for most operators) at a main maintenance base where special equipment and trained personnel will be available if necessary.

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 with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 226 Model 747-400 series airplanes of the affected design in the worldwide fleet.

The FAA estimates that 34 airplanes of U.S. registry will be required by this AD to replace the strut fuel tubes and couplings at engine positions 1 and 4 in accordance with Boeing Alert Service Bulletin 747-28A2185. That replacement will take approximately 74 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$9,582 per airplane. Based on these figures, the cost impact of this required replacement on U.S. operators is estimated to be \$476,748, or \$14,022 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.

Currently, there are no Model 747-400 series airplanes on the U.S. Register that would be required by this AD to accomplish the installation specified in Boeing Service Bulletin 747-28-2146 [and required by paragraph (a)(2) of the final rule]. However, should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 162 work hours per airplane (81 work hours per engine; 2 engines per airplane) to accomplish the installation, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$9,582 per airplane. Based on these figures, the cost impact of this installation would be \$19,302 per airplane.

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