

Proposed Rules

Federal Register

Vol. 63, No. 99

Friday, May 22, 1998

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1160

[DA-98-04]

Fluid Milk Promotion Order; Invitation to Submit Comments on Proposed Amendments to the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document invites written comments on a proposal to amend the Fluid Milk Promotion Order. The proposed amendments, requested by the National Fluid Milk Processor Promotion Board, which administers the Order, would modify the membership status and term of office of Board members. The proposed rule would also amend order language pertaining to committees and intellectual property rights (patents, copyrights, inventions, and publications). The Board believes that the proposed amendments are necessary to maintain Board membership continuity. The changes should allow the Board to operate in a more effective and efficient manner.

DATES: Comments are due no later than June 22, 1998.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Programs, Promotion and Research Branch, 1400 Independence Avenue, SW, Stop 0233, Room 2734 South Building, Washington, DC 20250-0233. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in Room 2734 South Building during regular business hours.

FOR FURTHER INFORMATION CONTACT: David R. Jamison, Chief, USDA/AMS/Dairy Programs, Promotion and Research Branch, 1400 Independence Avenue, SW, Stop 0233, Room 2734 South Building, Washington, DC 20250-

0233, (202) 720-6909, David_Jamison@usda.gov.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Small businesses in the fluid milk processing industry have been defined by the Small Business Administration as those employing less than 500 employees. There are approximately 250 fluid milk processors subject to the provisions of the Fluid Milk Promotion Order. Most of the parties subject to the Order are considered small entities.

Several changes are proposed to the Order provisions of the Fluid Milk Promotion Order (7 CFR Part 1160) concerning membership on the National Fluid Milk Processor Promotion Board (Board) and the terms of office for Board members. The Order is authorized under the Fluid Milk Promotion Act of 1990 (7 USC 6401-6417). The Board requested the amendments.

The Order provides for a 20-member board with 15 members representing geographic regions and five at-large members, at least three of whom are to be fluid milk processors and at least one member from the general public. To the extent practicable, members representing geographic regions should represent processing operations of differing sizes.

Currently, the Order provides that a fluid milk processor can be represented on the Board by not more than one member. The Board in its petition for rulemaking noted that it is more difficult to maintain the single member representation; that processors are larger in size and operate in several geographic areas; and that, to maintain continuity and provide a consistent pool of processor representatives, a change in the Order provisions is needed to allow more than one representative on the Board. The proposed amendments would allow a fluid milk processor to have two members on the Board.

Currently, except in those instances where a Board member changes fluid milk processor affiliation and is eligible to serve on the Board in another capacity during the same term, a Board member whose processor affiliation has changed cannot continue to serve on the Board. This proposed rule would allow Board members whose fluid milk processor company affiliation has

changed to serve on the Board for a period of up to 60 days or until a successor is appointed, whichever is sooner, provided that the eligibility requirements of the Order are still met. This should help in the reduction of Board vacancies and foster continuity in Board activities and membership.

Another change that would contribute to greater continuity on the Board would allow Board members who fill vacancies with a term of 18 months or less to serve two consecutive full 3-year terms. Currently, the order provides that except for the initial staggered appointments, Board members could only serve two consecutive terms.

Another change would permit the Board to establish working committees of persons other than Board members to assist the Board with activities by providing information, knowledge, and expertise that otherwise might not be available.

Finally, the amendments would also modify the intellectual property provisions of the Order to specifically provide for and allow joint ownership of intellectual property, i.e., patents, copyrights, inventions, and publications, that is developed using joint funds.

These amendments to Order provisions should not add any burden to regulated parties because they relate to provisions concerning membership on the Board, the establishment of working committees, and joint ownership for patents, copyrights, inventions, and publications. The proposed changes would not impose additional reporting or collecting requirements. No relevant Federal rules have been identified that duplicate, overlap, or conflict with the rule.

Accordingly, pursuant to 5 U.S.C. 605(b), the Agricultural Marketing Service has certified that this rule would not have a significant economic impact on a substantial number of small entities.

Executive Order 12866 and the Paperwork Reduction Act

This proposed rule has been reviewed by the Office of Management and Budget and has been determined to be not significant for purposes of Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. If adopted,

this proposed rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Fluid Milk Promotion Act of 1990, as amended, authorizes the Fluid Milk Promotion Order. The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 1999K of the Act, any person subject to a Fluid Milk Promotion Order may file with the Secretary a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with the law and request a modification of the Order or to be exempted from the Order. A person subject to an order is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided a complaint is filed not later than 20 days after the date of the entry of the ruling.

In accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35), the forms and reporting and recordkeeping requirements that are included in the Fluid Milk Promotion Order have been approved previously by the Office of Management and Budget (OMB) and were assigned OMB No. 0581-0093, except for Board members' nominee background information sheets that were assigned OMB No. 0505-0001.

Statement of Consideration

The proposed rule would amend the membership and term-of-office provisions of the Fluid Milk Promotion Order. Currently, the Order provides that a fluid milk processor can be represented on the Board by not more than one member. The Board in its recommendation for rulemaking noted that it is more difficult to maintain the single member representation; that processors are larger in size and operate in several geographic areas; and that, to maintain continuity and provide a consistent pool of processor representatives, a change in the Order provisions is needed to allow more than one representative on the Board. The proposed amendments would allow a fluid milk processor to have two members on the Board.

The proposed amendments also would allow Board members whose fluid milk processor company affiliation has changed to serve on the Board for

a period of up to 60 days or until a successor is appointed, whichever is sooner. Currently, except in those instances where a Board member changes fluid milk processor affiliation and is eligible to serve on the Board in another capacity during the same term, a Board member whose processor affiliation has changed cannot continue to serve on the Board. This proposed rule would allow Board members whose fluid milk processor company affiliation has changed to serve on the Board for a period of up to 60 days or until a successor is appointed, whichever is sooner, provided that the eligibility requirements of the Order are still met. This should help in the reduction of Board vacancies and foster continuity in Board activities and membership.

The proposed amendments would also allow Board members who fill vacancies with a term of 18 months or less to serve two additional 3-year terms. Currently, the Order states that, except for the initial staggered Board appointments of 1- or 2-year terms, Board members may only serve two consecutive terms. Thus any time served with the initial term is considered a complete term. The Board feels that this rule change would allow for greater continuity of membership.

This document also proposes to amend two additional sections of the Fluid Milk Promotion Order. The proposed amendments would permit the Board to establish working committees of persons other than Board members to assist the Board with activities by providing information, knowledge, and expertise that otherwise might not be available.

The proposed amendments also would modify the section on patents, copyrights, inventions, and publications by allowing jointly developed intellectual property to be jointly owned. Currently, the Order does not specifically provide for such joint ownership. This proposed amendment would allow the Board greater flexibility concerning intellectual property as it relates to ownership rights.

A thirty-day comment period is provided for interested persons to comment on this proposed rule. This period is appropriate so as to permit implementation of the changes, if adopted, as soon as possible.

List of Subjects in 7 CFR Part 1160

Fluid milk products, Milk, Promotion.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 1160 be amended as follows:

PART 1160—FLUID MILK PROMOTION PROGRAM

1. The authority citation for 7 CFR Part 1160 continues to read as follows:

Authority: 7 U.S.C. 6401-6417.

2. In § 1160.200, paragraph (a) is revised to read as follows:

§ 1160.200 Establishment and membership.

(a) There is hereby established a National Fluid Milk Processor Promotion Board of 20 members, 15 of whom shall represent geographic regions and five of whom shall be at-large members of the Board. To the extent practicable, members representing geographic regions shall represent fluid milk processing operations of differing sizes. No fluid milk processor shall be represented on the Board by more than two members. The at-large members shall include at least three fluid milk processors and at least one member from the general public. Except for the member or members from the general public, nominees appointed to the Board must be active owners or employees of a fluid milk processor. The failure of such a member to own or work for a fluid milk processor or its successor fluid milk processor shall disqualify that member for membership on the Board except that such member shall continue to serve on the Board for a period of up to 60 days following the disqualification or until the appointment of a successor Board member to such position, whichever is sooner, provided that such person continues to meet the criteria for serving on the Board as a processor representative.

* * * * *

3. In § 1160.201, paragraph (b) is revised to read as follows:

§ 1160.201 Term of office.

* * * * *

(b) No member shall serve more than two consecutive terms, except that any member who is appointed to serve for an initial term of one or two years shall be eligible to be reappointed for two three-year terms. Appointment to another position on the Board is considered a consecutive term. Should a non-board member be appointed to fill a vacancy on the Board with a term of 18 months or less remaining, the appointee shall be entitled to serve two consecutive 3-year terms following the term of the vacant position to which the person was appointed.

4. In § 1160.208, paragraph (g) is revised to read as follows:

§ 1160.208 Powers of the Board.

* * * * *

(g) To select committees and subcommittees, to adopt bylaws, and to adopt such rules for the conduct of its business as it may deem advisable; and the Board may establish working committees of persons other than Board members;

* * * * *

5. In § 1160.505, the text is designated paragraph (a) and a new paragraph (b) is added to read as follows:

§ 1160.505 Patents, copyrights, inventions and publications.

* * * * *

(b) Should patents, copyrights, inventions, and publications be developed through the use of funds collected by the Board under this subpart, and funds contributed by another organization or person, ownership and related rights to such patents, copyrights, inventions, and publications shall be determined by the agreement between the Board and the party contributing funds towards the development of such patent, copyright, invention, and publication in a manner consistent with paragraph (a) of this section.

Dated: May 18, 1998.

Enrique E. Figueroa,
Administrator, Agricultural Marketing Service.

[FR Doc. 98-13772 Filed 5-21-98; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE**7 CFR Parts 3015, 3016 and 3019**

RIN 0503-AA16

Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

AGENCY: Department of Agriculture, USDA.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On February 17, 1998, USDA published in the **Federal Register** (63 FR 7734) a Notice of Proposed Rulemaking (NPRM) in which USDA proposed to revise its grants management regulations in order to bring the entitlement programs it administers under the same regulations that already apply to nonentitlement

programs and identify exceptions to these general rules that apply only to entitlement programs. This document extends the comment period for that NPRM in order to give interested parties ample time to comment.

DATES: The period for written comments is extended from May 19, 1998 to June 18, 1998.

ADDRESSES: Comments must be mailed or faxed to Gerald Miske, Supervisory Management Analyst, Fiscal Policy Division, Office of the Chief Financial Officer, USDA, Room 3022 South Building, 1400 Independence Avenue, SW, Washington, D.C. 20250; FAX (202) 690-1529. Written comments may be inspected at the above address from 8:00 a.m. to 5:00 p.m. A copy of the Regulatory Cost/Benefit Assessment referenced in the Regulatory Impact Analysis section of this preamble can be obtained from Gerald Miske, Supervisory Management Analyst, Fiscal Policy Division, Office of the Chief Financial Officer, USDA, Room 3022 South Building, 1400 Independence Avenue, SW, Washington, D.C. 20250. This assessment may be examined at the same address.

FOR FURTHER INFORMATION CONTACT:

Gerald Miske, Supervisory Management Analyst, Fiscal Policy Division, Office of the Chief Financial Officer, USDA, at the above address; telephone (202) 720-1553.

Dated: May 19, 1998.

Sally Thompson,
Chief Financial Officer.

[FR Doc. 98-13773 Filed 5-21-98; 8:45 am]

BILLING CODE 3410-90-P

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

[Docket No. 96-CE-09-AD]

RIN 2120-AA64

Airworthiness Directives; The New Piper Aircraft, Inc. PA-24, PA-28R, PA-30, PA-32R, PA-34, and PA-39 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to revise Airworthiness Directive (AD) 97-01-01, which currently requires repetitively inspecting the main gear sidebrace studs for cracks on The New

Piper Aircraft, Inc. (Piper) Models PA-24, PA-28R, PA-30, PA-32R, PA-34, and PA-39 series airplanes, and replacing any main gear sidebrace stud found cracked. The Federal Aviation Administration (FAA) has approved certain alternative methods of compliance (AMOC) for AD 97-01-01, and has determined that these AMOC's should be incorporated into the AD. The proposed AD would retain all the actions of AD 97-01-01, and would incorporate certain AMOC's as a way of accomplishing the actions specified in AD 97-01-01. The actions specified by the proposed AD are intended to prevent a main landing gear collapse caused by main gear sidebrace stud cracks, which could result in loss of control of the airplane during landing operations.

DATES: Comments must be received on or before July 23, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 96-CE-09-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Information that applies to the proposed AD may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. William O. Herderich, Aerospace Engineer, FAA, Atlanta Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone: (770) 703-6084; facsimile: (770) 703-6097.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by