

# Proposed Rules

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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

### Office of the Secretary

#### 7 CFR Part 6

#### Dairy Tariff-Rate Import Quota Licensing

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would make two revisions to Import Regulation 1, Revision 8, which governs the administration of the tariff-rate import quota (TRQ) licensing system for certain dairy products. It would broaden the definition for "Licensing Authority" and provide for the review and correction of errors made by officers or employees of the Federal Government.

**DATES:** Comments should be received on October 4, 1999 to be assured of consideration.

**ADDRESSES:** Comments should be sent to Richard Warsack, Dairy Import Quota Manager, Import Policies and Programs Division, 1400 Independence Avenue SW, AG BOX 1021, U.S. Department of Agriculture, Washington, DC 20250-1021 or e-mail at warsack@fas.usda.gov. All comments received will be available for public inspection in room 5541-S at the above address and during normal business hours.

**FOR FURTHER INFORMATION CONTACT:** Richard Warsack, Import Policies and Programs Division, 1400 Independence Avenue, SW, AG BOX 1021, U.S. Department of Agriculture, Washington, DC 20250-1021, or telephone (202) 720-2916, or e-mail at warsack@fas.usda.gov.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12372

This program is not subject to the provision of Executive Order 12372, which requires intergovernmental consultation with State or local officials. (See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

#### Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988. The provisions of this proposed 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 proposed rule would not have retroactive effect. The rule does not require that administrative remedies be exhausted before suit may be filed.

#### Executive Order 12866

This proposed rule is issued in conformance with Executive Order 12866. It has been determined to be not significant for the purpose of E.O. 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

#### Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since the Office of the Secretary is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

#### Paperwork Reduction Act

In accordance with provisions of the Paperwork Reduction Act of 1995, the current information collection is approved by OMB under OMB control number 0551-0001, expiring on October 31, 2000. The proposed rule would not add a paperwork burden on the public.

#### Background

This proposed rule would make two revisions to Import Regulation 1, Revision 8, that governs the administration of the import licensing system for certain dairy products, which are subject to TRQs provided for in the Harmonized Tariff Schedule of the United States (HTS). Licenses issued annually by the U.S. Department of Agriculture qualify importers to enter specific quantities of certain dairy products under the low-tier tariff rates established in the HTS. In addition, it redesignates § 6.35 as § 6.36; and § 6.36 as § 6.37.

#### Section 6.21 Definitions

The proposed rule amends section 6.21 to remove the definition of "Licensing Authority" as the "Dairy

Import Quota Manager, Import Policies and Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture" and inserts in lieu thereof "Any officer or employee of the U.S. Department of Agriculture designated to act in this position by the Director of the Division charged with managing the Dairy Tariff-Rate Import Quota Licensing System, currently the Import Policies and Programs Division of the Foreign Agricultural Service." The proposed amendment would give administrative flexibility to ensure that the functions of the Licensing Authority would not be interrupted during reorganizations or personnel changes.

#### Section 6.35 Correction of Errors

The proposed rule adds a new section 6.35, Correction of errors. This section provides that if a person demonstrates, to the satisfaction of the Licensing Authority, that errors were made by officers or employees of the United States Government, the Licensing Authority will review and rectify the errors to the extent possible under the regulation. Errors related to activities conducted during each calendar year must be brought to the attention of the Licensing Authority no later than March 15 of the following calendar year. This section also grants the Licensing Authority the authority to transfer the applicable amount of the TRQ from Appendix 2 back to Appendix 1, so the historical license can be issued in the following calendar year. In addition, it provides for the publication of the cumulative changes to the appendices in the **Federal Register**.

#### List of Subjects in 7 CFR Part 6

Agricultural commodities, Cheese, Dairy products, Reports and recordkeeping requirements.

#### Proposed Rule

Accordingly, it is proposed to amend 7 CFR part 6 subpart—Tariff-Rate Import Quota Licensing as follows:

#### Subpart—Tariff-Rate Import Quota Licensing

1. The authority citation for part 6 continues to read as follows:

**Authority:** Additional U.S. Notes 6, 7, 8, 12, 14, 16-23 and 25 to Chapter 4 and General Note 15 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202), Pub. L. 97-258, 96 Stat. 1051, as

amended (31 U.S.C. 9701), and secs. 103 and 104, Pub. L. 103-465, 108 Stat. 4819 (19 U.S.C. 3513 and 3601).

2. Amend § 6.21 by revising the definition of "Licensing Authority" to read as follows:

**§ 6.21 Definitions.**

\* \* \* \* \*

*Licensing Authority.* Any officer or employee of the U.S. Department of Agriculture designated to act in this position by the Director of the Division charged with managing the Dairy Tariff-Rate Import Quota Licensing System, currently the Import Policies and Programs Division of the Foreign Agricultural Service.

3. Redesignated §§ 6.35 and 6.36 as §§ 6.36 and 6.37, respectively.

4. Add a new § 6.35 to read as follows:

**§ 6.35 Correction of errors.**

(a) If a person demonstrates, to the satisfaction of the Licensing Authority, that errors were made by officers or employees of the United States Government, the Licensing Authority will review and rectify the errors to the extent permitted under this subpart.

(b) To be considered, a person must provide sufficient documentation regarding the error to the Licensing Authority not later than March 15 of the calendar year following the calendar year in which the error was alleged to have been committed.

(c) If the error resulted in the loss of a historical license by a license holder, the Licensing Authority will transfer the amount of such license from Appendix 2 to Appendix 1 in order to provide for the issuance of such license in the calendar year following the calendar year for which the license was not issued. The cumulative annual transfers to Appendix 1 in accordance with this paragraph will be published in the **Federal Register**.

Signed at Washington, DC on July 26, 1999.

**Timothy J. Galvin,**

*Administrator, Foreign Agricultural Service.*  
[FR Doc. 99-19561 Filed 8-3-99; 8:45 am]

BILLING CODE 3410-10-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 99-NM-119-AD]

RIN 2120-AA64

**Airworthiness Directives; Airbus Model A330-301, and Model A340-211, -212, -311, and -312 Series Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A330-301, and Model A340-211, -212, -311, and -312 series airplanes. This proposal would require repetitive detailed visual inspections of the fuselage belly fairing support structure to detect cracks; and corrective action, if necessary. This proposal also would provide for an optional terminating action for the repetitive inspections. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct fatigue cracking of the fuselage belly fairing support structure, which could result in reduced structural integrity of the fuselage belly fairing support structure.

**DATES:** Comments must be received by September 3, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-119-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**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:**

**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 shall 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 interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99-NM-119-AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-119-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A330-301, and Model A340-211, -212, -311, and -312 series airplanes. The DGAC advises that, during fatigue tests, cracks were found in the fuselage belly fairing support structure. This condition, if not corrected, could result in reduced structural integrity of the fuselage belly fairing support structure.

**Explanation of Relevant Service Information**

Airbus has issued Service Bulletins A330-53-3029, dated June 26, 1995 (for Model A330 series airplanes), and A340-53-4038, Revision 1, dated February 6, 1996 (for Model A340 series