

**Lists of Subjects in 7 CFR Part 29**

Administrative practice and procedure, Advisory committees, Government publications, Imports, Pesticides and pests, Reporting and recordkeeping requirements, Tobacco.

For the reasons set forth in the preamble, 7 CFR part 29 is amended as follows:

**PART 29—TOBACCO INSPECTION****Subpart B—Regulations**

1. The authority citation for part 29, subpart B continues to read as follows:

**Authority:** 7 U.S.C. 511m and 511r.

2. Section 29.56 is amended by adding a sentence at the end of the section to read as follows:

**§ 29.56 Permissive inspection.**

\* \* \* Special tests and services may be performed for interested persons to the extent that available facilities will permit, subject to the payment of fees as determined by the Deputy Administrator, Tobacco Programs.

3. In § 29.123, a new paragraph (e) is added to read as follows:

**§ 29.123 Fee and charges.**

\* \* \* \* \*

(e) Fees for special tests and services will be determined by the Deputy Administrator, Tobacco Programs.

Dated: November 26, 1999.

**Kathleen A. Merrigan,**  
*Administrator, Agricultural Marketing Service.*

[FR Doc. 99-31302 Filed 12-1-99; 8:45 am]

**BILLING CODE 3410-02-P**

**DEPARTMENT OF AGRICULTURE****Commodity Credit Corporation****7 CFR Part 1407**

**RIN 0560-AF47**

**Debarment and Suspension**

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule will revise CCC's regulations setting forth its policies with regard to the debarment and suspension of individuals or firms from participation in Federal procurement and nonprocurement activities. The U.S. Department of Agriculture (USDA) has published USDA-wide nonprocurement debarment and suspension regulations, and CCC will proceed under such regulations in nonprocurement debarment and

suspension actions. CCC will continue to proceed under this part in procurement debarment and suspension actions but will apply the provisions of the USDA procurement debarment and suspension regulations, with the exception of the specified debarring and suspending official, in such procurement actions.

**EFFECTIVE DATE:** January 3, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Sharon Hadder, Contract Management Branch, Farm Service Agency, telephone 202-720-3816, fax (202) 690-1809, or e-mail to Sharon\_Hadder@wdc.fsa.usda.gov.

**SUPPLEMENTARY INFORMATION:****Executive Order 12866**

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

**Executive Order 12372**

This activity 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 12988**

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. The final rule would have preemptive effect with respect to any state or local laws, regulations, or policies which conflict with its provisions or which otherwise impede their full implementation. The final rule does not have retroactive effect. The final rule does not require that administrative remedies be exhausted before suit may be filed.

**Regulatory Flexibility Act**

This final rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act.

The Executive Vice President, CCC, has certified that this final rule will not have a significant economic impact on a substantial number of small entities. The principal regulatory change made by the final rule would be to provide that CCC will proceed under the USDA-wide regulations when taking action to debar or suspend participants or potential participants in CCC's nonprocurement activities. These USDA-wide regulations are similar to the government-wide common rule and would not impact on small businesses as a group, but only upon specific entities when necessary to protect the

interests of CCC. A copy of this final rule has been submitted to the General Counsel, Small Business Administration.

**Paperwork Reduction Act**

These regulations do not contain information collections that require clearance by OMB under the provisions of 44 U.S.C. chapter 35.

**Discussion of Proposed Rule**

This final rule will revise existing CCC regulations to specify policies that CCC will follow in taking action to debar or suspend individuals or firms from participation in Federal procurement and nonprocurement activities. Currently the CCC debarment and suspension regulations at 7 CFR part 1407 provide that 48 CFR part 409, subpart 409.4 (§§ 409.403 *et seq.*) shall be applicable to all CCC debarment and suspension proceedings, except that the authority to debar and suspend shall be reserved to the Executive Vice President, CCC, or his designee. The regulations at 48 CFR part 409, subpart 409.4, are the procurement debarment and suspension regulations for USDA.

USDA has published USDA-wide nonprocurement debarment and suspension regulations at 7 CFR part 3017. Effective February 5, 1996, these regulations were amended to remove certain requirements that would have had a detrimental effect if they had been applied to certain CCC programs. Consequently, CCC is now proposing that, as a matter of policy, CCC will proceed under 7 CFR part 3017 when taking action to debar or suspend individuals or firms that are participants or potential participants in CCC's nonprocurement activities. CCC will continue to proceed under 7 CFR part 1407 when taking action to debar or suspend individuals or firms that are contractors with CCC or participants or potential participants in CCC's procurement activities. As a matter of policy, CCC will continue to apply the provisions of 48 CFR part 409, subpart 409.4, with the exception of the specified debarring and suspending official, in such procurement actions. This will foster uniformity and consistency with regard to USDA and CCC debarment and suspension procedures.

Under the current regulations at 7 CFR part 1407, the debarring and suspending official is the Executive Vice President, CCC, who is also the Administrator of the Farm Service Agency (FSA), or a designee. The Executive Vice President, CCC, or a designee, would continue to be the debarring and suspending official for

CCC procurement debarment and suspension actions.

The USDA-wide nonprocurement suspension and debarment regulations at 7 CFR part 3017 provide that the debarring and suspending official will be the head of the agency initiating the action and that this authority cannot be delegated to a designee. As a matter of policy, CCC has decided that, for nonprocurement debarment and suspension actions initiated by an agency on behalf of CCC under 7 CFR part 3017, the agency head will be the debarring and suspending official. Delegations to a designee would not be authorized.

#### Public Comments

On December 30, 1998, the Commodity Credit Corporation (CCC) issued a proposed rule at 63 FR 71796. No comments were received and the rule will be issued without change.

#### List of Subjects in 7 CFR Part 1407

Administrative practice and procedure, Government procurement, Grant programs.

Accordingly, 7 CFR Ch. XIV is amended as follows:

1. Part 1407 is revised to read as follows:

#### PART 1407—DEBARMENT AND SUSPENSION

Sec.

1407.1 Purpose.

1407.2 Nonprocurement debarment and suspension.

1407.3 Procurement debarment and suspension.

**Authority:** 15 U.S.C. 714b.

##### § 1407.1 Purpose.

This part specifies the policies that CCC will follow in taking action to debar or suspend individuals or firms from participation in Federal nonprocurement and procurement activities.

##### § 1407.2 Nonprocurement debarment and suspension.

(a) CCC will proceed under 7 CFR part 3017 when taking action to debar or suspend participants or potential participants in CCC's nonprocurement activities.

(b) The debarring and suspending official for nonprocurement actions taken by CCC shall be as follows: For actions initiated on behalf of CCC by the Foreign Agricultural Service (FAS), the Food and Nutrition Service (FNS), or the Agricultural Marketing Service (AMS), the debarring and suspending official will be the Vice President, CCC, who is the Administrator FAS, FNS, or

AMS, respectively. For actions initiated on behalf of CCC by the Natural Resources Conservation Service (NRCS), the official will be the Vice President, CCC, who is the Chief, NRCS.

##### § 1407.3 Procurement debarment and suspension.

CCC will proceed under this part when taking action to debar or suspend contractors with CCC or participants or potential participants in CCC's procurement activities. CCC will apply the provisions of 48 CFR part 409, subpart 409.4, in such actions, with the exception that the debarring and suspending official will be the Executive Vice President, CCC, or a designee.

Signed at Washington, DC, on November 19, 1999.

**Keith Kelly,**

*Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 99-30949 Filed 12-1-99; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

##### 14 CFR Part 39

[Docket No. 99-SW-59-AD; Amendment 39-11439; AD 99-22-01]

**RIN 2120-AA64**

#### Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 P1 and T1 Helicopters

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

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

**SUMMARY:** This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 99-22-01, which was sent previously to all known U.S. owners and operators of Eurocopter Deutschland GmbH (ECD) Model EC135 P1 and T1 helicopters by individual letters. This AD requires, before further flight and at specified time intervals until a modified tail boom connecting frame flange (frame flange) is installed, inspecting and replacing, if necessary, the frame flange. This AD also requires, within 7 days, installing an additional bearing support on the frame flange. Thereafter, this AD requires visually inspecting the frame flange for cracks or misalignment of the slippage marks at specified time intervals. This amendment is prompted by the discovery of a crack in the frame flange at the attachment points of the

tail rotor drive shaft bearing support. The actions specified by this AD are intended to prevent a fracture of the bearing frame flange, failure of the tail rotor drive shaft, and subsequent loss of control of the helicopter.

**DATES:** Effective December 17, 1999, to all persons except those persons to whom it was made immediately effective by Emergency Priority Letter AD 99-22-01, issued on October 12, 1999, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 17, 1999.

Comments for inclusion in the Rules Docket must be received on or before January 31, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99-SW-59-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The applicable service information may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. This information may be examined at the FAA, Office of the 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:** Paul J. Madej, 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:** On October 12, 1999, the FAA issued Emergency Priority Letter AD 99-22-01, applicable to ECD Model EC135 P1 and T1 helicopters, which requires, before further flight and at specified time intervals until an additional bearing support bracket is installed on the frame flange, inspecting and replacing, if necessary, the frame flange. The AD also requires, within 7 days, adding the additional bearing support bracket to the frame flange. Thereafter, the AD requires visually inspecting the frame flange for cracks or misalignment of the slippage marks at specified time intervals. That action was prompted by the discovery of a crack in the frame flange at the attachment points of the tail rotor drive shaft bearing support. The crack, discovered during an inspection of an ECD Model EC135