

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### 7 CFR Part 1485

#### Agreements for the Development of Foreign Markets for Agricultural Commodities

**AGENCY:** Commodity Credit Corporation (CCC).

**ACTION:** Final rule.

**SUMMARY:** The Commodity Credit Corporation (CCC) is adopting as a final rule the provisions of the proposed rule published January 10, 1996, (61 FR 704) regarding implementation of the Market Promotion Program (MPP) authorized by Section 203 of the Agricultural Trade Act of 1978, 7 U.S.C. 5623. Specifically, this rule extends the period of time following the expiration of the marketing year during which participants may pay for approved market development activities and still be entitled to receive reimbursement from CCC. This period of time is extended from 30 days to 4 months. This change eases administrative requirements by affording program participants additional time to obtain invoices and other documentation which supports the completion of overseas market development activities.

**EFFECTIVE DATES:** May 14, 1996.

**FOR FURTHER INFORMATION CONTACT:** Sharon McClure or Denise Feters at (202) 720-5521.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

This final rule is issued in conformance with Executive Order 12866. Based on information compiled by the Department, it has been determined that this rule:

(1) Would have an annual effect on the economy of less than \$100 million;

(2) Would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(3) Would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(4) Would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; and

(5) Would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

The Department of Agriculture is committed to carrying out its statutory and regulatory mandates in a manner that best serves the public interest. Therefore, where legal discretion permits, the Department actively seeks to promulgate regulations that promote economic growth, create jobs, are minimally burdensome and are easy for the public to understand, use of comply with. In short, the Department is committed to issuing regulations that maximize net benefits to society and minimize costs imposed by those regulations.

#### Regulatory Flexibility Act

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

#### Paperwork Reduction Act

The final rule does not impose any new reporting or record keeping requirements. The information collection requirements for participating in the MPP were approved for use by the Office of Management and Budget under OMB control number 0551-0027.

#### Executive Order 12372

This final rule 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 46 FR 29115 (June 24, 1983).

#### Executive Order 12778

This final rule has been reviewed under the Executive Order 12778, Civil Justice Reform. The rule would have pre-emptive 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 rule would not have retroactive effect. Administrative proceedings are not required before parties may seek judicial review.

#### Background

On February 1, 1995, the CCC published final rules at 60 FR 6352 governing the MPP. These new rules were applicable beginning with a participant's 1995 marketing year. Following publication, CCC participated with interested parties in five information sessions designed to familiarize participants with the new regulations and offer participants an additional opportunity to identify any problem areas. At these sessions, there was considerable discussion concerning the requirement that participants must completely pay for approved activities not later than 30 days following the end of a participant's activity plan year in order to receive reimbursement, 7 CFR § 1485.16(h)(3). As a result of these discussions, CCC published a proposed rule on January 10, 1996, to amend the current requirement in 7 CFR § 1485.16(h).

#### General Comments

The public was given 30 days to submit written comments on the proposed rule. During this period, CCC received 5 letters from nonprofit U.S. trade organizations. All commenters strongly supported the proposed rule which would allow participants to transfer funds to pay for activities not later than 4 months following the end of the activity plan year and still be entitled to receive reimbursement from CCC. The proposed rule is adopted as final. Since this final removes a restriction, it is being made effective upon publication in the Federal Register.

#### List of Subjects in 7 CFR Part 1485

Agricultural commodities, Exports.

Accordingly, 7 CFR Part 1485 is amended to read as follows:

# **PART 1485—AGREEMENTS FOR THE DEVELOPMENT OF FOREIGN MARKETS FOR AGRICULTURAL COMMODITIES**

1. The authority citation for Part 1485 continues to read as follows:

Authority: 7 U.S.C. 5623, 5662–5664 and sec. 1302, Pub. L. 103–66, 107 Stat. 330.

## **Subpart B—Market Promotion Program**

2. In § 1485.16, paragraph (h) is revised to read as follows:

### **§ 1485.16 Reimbursement rules.**

\* \* \* \* \*

(h) CCC will reimburse for expenditures made after the conclusion of participant's activity plan year provided:

- (1) The activity was approved prior to the end of the activity plan year;
- (2) The activity was completed within 30 calendar days following the end of the activity plan year; and
- (3) all funds were transferred to pay for the activity within 4 months following the end of the activity plan year.

Signed at Washington, D.C. on May 8, 1996.

Timothy J. Galvin,

*Acting Administrator, Foreign Agricultural Service and Vice President, Commodity Credit Corporation.*

[FR Doc. 96–12055 Filed 5–13–96; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. 95–NM–117–AD; Amendment 39–9613; AD 96–10–08]

RIN 2120–AA64

### **Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737–300, –400, and –500 series airplanes, that requires inspection to detect damage of a wire bundle and clamp that are located in the electronic/electrical (E/E) equipment bay, and repair of the damaged wire bundle. That action also requires replacement of the existing steel clamp with a nylon clamp, and rearrangement of the clamp installation.

This amendment is prompted by a report of fire in the E/E equipment bay due to electrical arcing caused by chafing of a wire bundle. The actions specified by this AD are intended to prevent chafing of a wire bundle that could cause short circuiting of the wire bundle, and could result in smoke and fire in the E/E equipment bay.

**DATES:** Effective June 13, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 13, 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 95–NM–117–AD, 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:**

Stephen Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2793; 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 737–300, –400, and –500 series airplanes was published in the Federal Register on October 13, 1995 (60 FR 53307). That action proposed to require a visual inspection to detect damage of the wire bundle and clamp in the electronic/electrical (E/E) equipment bay, and repair, if necessary. Additionally, that action proposed to require replacement of the rubber cushioned steel clamp with a nylon clamp, and the installation of additional clamps to prevent contact between wire bundle W2132 (or W0132) and power feeder wire bundle W0142.

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

#### **Support for the Proposal**

One commenter supports the proposed rule.

**Request to Withdraw the Rule:** Basis May be an Isolated Incident

One commenter requests that the FAA first review the findings on airplanes

inspected thus far and, if no incorrect routing exists on other airplanes, the proposed rule should be withdrawn. This commenter states that the Supplementary Information section of the preamble to the proposal only states that an unsafe condition is “likely to exist” on other airplanes, and asks that further explanation be given as to why the FAA believes other airplanes may be affected. This commenter has received no reports of similar conditions on other airplanes.

The FAA agrees that fleetwide corrective actions should not be mandated in response to incidents determined to be truly “isolated.” In this case, however, AD action is warranted since the FAA has confirmed that the incident described in the notice was the result of a manufacturing error, and that this error was repeated on numerous airplanes. As part of its investigation, the FAA conducted inspections of 10 airplanes in the manufacturer's production facility. These inspections revealed that incorrect wire bundle clamps were installed in each of these airplanes. Furthermore, a review of manufacturing records indicates that this condition exists in approximately 620 previously delivered airplanes. In light of this evidence, the FAA has determined that the condition addressed by this AD is not the result of a single isolated incident, as the commenter suggests.

**Request to Withdraw the Rule:** No Essential Flight Circuits are Involved

One commenter requests that the AD be withdrawn because of the fact that no essential flight circuits were affected as a result of the damage to the wiring. The wire bundle involved in the damage is not associated with flight-critical systems.

The FAA agrees that loss of the systems associated with the damaged wire bundle would not significantly affect safe flight and landing of the airplane. The FAA's primary concern, however, is not the loss of system function, but the possibility of chafing of a wire bundle that could cause short circuiting of the wire bundles. Such short circuiting of the wire bundles could result in an undetected in-flight fire, since Electrical Equipment (E/E) bays of Model 737 airplanes are not equipped with fire detection systems.

**Request to Withdraw the Proposal:** No “Formal” Service Document Exists

One commenter contends that the FAA should not issue an AD that cites an “informal” service letter (Boeing Service Letter 737–SL–24–106, dated March 10, 1995) as the appropriate