

in responding to agency requests for such administrative law judges.

(c) An agency that wishes to temporarily reemploy administrative law judges must submit a written request to OPM. The request must—

(1) Identify the statutory authority under which the administrative law judge is expected to conduct proceedings;

(2) Demonstrate that the agency is occasionally or temporarily understaffed;

(3) Specify the tour of duty, location, period of time, or particular case(s), for the requested reemployment; and

(4) Describe any special qualifications desired in the retired administrative law judge that it wishes to reemploy, such as experience in a particular field, agency, or substantive area of law.

(d) OPM will approve agency requests for temporary reemployment of retired administrative law judges for a specified period or periods provided—

(1) The requesting agency fully justifies the need for an administrative law judge for formal proceedings and demonstrates that it is occasionally or temporarily understaffed; and

(2) No other administrative law judge with the appropriate qualifications is available through OPM under § 930.216(c)(5) of this subpart to perform the occasional or temporary work for which reemployment is requested.

(e) Upon approval of an agency request to reemploy a retired administrative law judge, OPM will select from its master list of retired administrative law judges, in rotation to the extent practicable, those retired judges who it determines meet agency requirements. OPM will then provide a list of such individuals to the requesting agency and the agency must then select from that list a retired administrative law judge for reemployment.

(f) Reemployment of retired administrative law judges is subject to suitability investigation in accordance with subparts B and C of part 731 of this chapter. It is also subject to conflict of interest and security clearance requirements by the appointing agency.

(g) Reemployment as senior administrative law judges will be for either a specified period not to exceed 1 year or such periods as may be necessary for the reemployed administrative law judge to conduct and complete the hearing of one or more specified cases and issue decisions therein. Upon agency request, OPM may either reduce or extend such period of reemployment, as necessary, to coincide with changing staffing requirements. All

reemployment is authorized for periods of 1 year or less.

(h) An agency may assign its senior administrative law judges to either:

(1) Hear one or more specific cases; or

(2) Hear, in normal rotation to the extent practicable, a number of cases on its docket and issue decisions therein.

(i) Hours of duty, administrative support services, and travel reimbursement for senior administrative law judges will be determined by the employing agency in accordance with the same rules and procedures that are generally applicable to employees.

(j) The reemployment of a senior administrative law judge is terminated on the date specified by OPM. Otherwise, a senior administrative law judge serves subject to the same limitations as any other administrative law judge employed under this subpart and 5 U.S.C. 3105. An agency will not rate the performance of a senior administrative law judge. Reduction-in-pay or removal actions may not be taken against senior administrative law judges during the period of reemployment, except for good cause established and determined by the Merit Systems Protection Board after opportunity for a hearing on the record before the Board as provided in 5 U.S.C. 7521 and §§ 1201.131 through 1201.136 of this title.

(k) A senior administrative law judge will be paid by the employing agency the current rate of pay for the level at which the duties to be performed have been placed and at the lowest rate of the level that is nearest (when rounded up) to the highest previous pay rate attained by the appointee as an administrative law judge before retirement. An amount equal to the annuity allocable to the period of actual employment will be deducted from his or her pay and deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

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BILLING CODE 6325-01-P

COMMODITY CREDIT CORPORATION

7 CFR Part 1499

RIN 0551-0035

Foreign Donation of Agricultural Commodities

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation proposes to amend the

rules governing foreign donations of agricultural commodities. This proposed rule contains changes, corrections and clarifications to the final regulations to achieve more effective management of foreign donations of agricultural commodities.

DATES: Submit comments on or before April 24, 1998.

ADDRESSES: Address all comments concerning this proposed rule to Ira D. Branson, Director/Commodity Credit Corporation, Program Support Division, Foreign Agricultural Service, United States Department of Agriculture, 1400 Independence Ave., S.W., Stop 1031, Washington, D.C. 20250-1031; telephone (202) 720-3573.

You may submit comments and data by sending electronic mail (E-mail) to: pebreports@fas.usda.gov.

FOR FURTHER INFORMATION CONTACT: Juanita Lambert, Chief/Program Evaluation Branch, Commodity Credit Corporation Program Support Division, Foreign Agricultural Service, United States Department of Agriculture, 1400 Independence Ave., S.W., Stop 1031, Washington, D.C. 20250-1031; telephone (202) 720-2465.

SUPPLEMENTARY INFORMATION: This 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 materially alter the budgetary impact of entitlement, 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.

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 information collection requirements imposed by this proposed

rule have been previously submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). OMB has assigned control number 0551-0035 for this information collection. This proposed rule change would not require collection of additional information; however, the proposed rule includes a requirement to use new forms for the semiannual logistics and monetization reports. These report forms have been submitted to OMB for review.

Executive Order 12372

This 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 12988

This rule has been reviewed under the Executive Order 12988, Civil Justice Reform. The 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 rule would not have retroactive effect. Administrative proceedings are not required before parties may seek judicial review.

Rules governing Commodity Credit Corporation's ("CCC") donation of agricultural commodities under section 416(b) of the Agricultural Act of 1949 and the Food for Progress Act of 1985 appear at 7 CFR part 1499. This proposed rule would review the regulations to address certain issues that have arisen since the rules were first published on November 29, 1996, and, additionally, make no-substantive corrections.

Program Operation Budgets

The regulations require cooperating sponsors to submit a Program Operation Budget in order to obtain CCC funding of certain administrative expenses and overseas internal transportation or handling cost. The Program Operation Budget details the costs for which CCC funding is requested. Currently, the regulations (7 CFR § 1499.7(e)) provide that a cooperating sponsor may make adjustments to individual line items in an approved Program Operation Budget up to 20 percent of the total approved budget, or \$1,000, whichever is less. This provision has limited cooperating sponsor's flexibility in meeting unanticipated circumstances during implementation of activities. Consequently, cooperating sponsors

have needed to prepare numerous budget amendments thereby increasing their paperwork burden and imposing additional administrative burdens on CCC.

CCC proposes to permit cooperating sponsors to make adjustments in line items of the Program Operation Budget of up to 20 percent of the total budget or \$5,000, whichever is less. This increase will allow CCC to maintain effective oversight of the use of its funding while eliminating paperwork and administrative burdens.

Payment Documentation

If CCC agrees to pay ocean transportation for donated commodities, CCC will pay the ocean freight directly to the ocean carrier. The regulations specify the documentation required to be submitted to CCC before payment will be made.

In accordance with requirements of the Debt Management Improvement Act of 1994, CCC is moving towards a system whereby all payments of CCC funds will be by electronic transfer. Therefore, this rule includes a proposed new section (7 CFR 1499.8(h)(3)) listing the information that ocean carriers and cooperating sponsors must submit to CCC in order to receive funds. Recipients must submit the information with every request for payment. This will speed processing by ensuring that payment information is kept current.

The proposed rule also clarifies that certain specified documents must be signed when submitted to CCC for payment. Additionally, CCC would require a copy of the tariff pages applicable to any liner shipments to enable CCC to check liner rates.

Termination of Program Activities

This proposed rule adds a new § 1499.10(d) to address the disposition of donated commodities and local currency proceeds by a non-governmental cooperating sponsor in the event that the cooperating sponsor's participation in the program terminates for any reason prior to completion of approved activities. The proposed rule would add a requirement that the cooperating sponsor take reasonable steps to secure any undistributed commodities or sales proceeds and notify CCC of their status. The commodities or proceeds would then be disposed of as directed by CCC. Given the varied situations that may arise to cause termination, the rule cannot set forth, in advance, any standard disposition procedures.

Reports

The proposed regulation would establish a standard date for submission of all semiannual logistic and monetization reports and a standardized reporting period. Also, as mentioned above FAS proposes the use of specific reporting forms for these reports. Currently, each agreement set forth the reporting date and period. This uniformity should ease administration for both the cooperating sponsors and CCC.

Miscellaneous

The proposed regulation would also make a number of nonsubstantive changes intended for clarification only or to update office references.

List of Subjects in 7 CFR Part 1499

Agricultural commodities, Exports, Foreign aid.

Accordingly, CCC proposes to amend 7 CFR part 1499 as follows:

PART 1499—FOREIGN DONATION PROGRAMS

1. The authority citation for part 1499 continues to read as follows:

Authority: 7 U.S.C. 1431(b); 7 U.S.C. 1736o; E.O. 12752.

§ 1499.1 [Amended]

2. Section 1499.1 is amended by removing "KCFMO—Kansas City Financial Management Office" and adding, in its place, "KCMO/DMD—Kansas City Management Office/Debt Management Division".

3. Section 1499.7(e) is amended by revising the third and fourth sentences to read as follows:

§ 1499.7 Apportionment of costs and advances.

* * * * *

(e) * * * The non-government Cooperating Sponsor may make adjustments between line items of an approved Program Operations Budget up to 20 percent of the total amount approved or \$5,000, whichever is less without any further approval. Adjustments beyond these limits must be specifically approved by the Director, PDD.

* * * * *

§ 1499.7 [Amended]

4. Section 1499.7(i) is amended by deleting "Director, CCCPSD" and adding in its place, "Director, PDD."

5. In § 1499.8, the introductory text of paragraph (b) and the headings of paragraph (g) and (g)(1) are revised, paragraph (g)(1)(vii) is redesignated as paragraph (g)(1)(viii), and new

paragraphs (g)(1)(vii) and (g)(1)(ix) are added, to read as follows:

§ 1499.8 Ocean transportation.

* * * * *

(b) *Freight procurement requirements.* When CCC is financing any portion of the ocean freight, whether on U.S.-flag or non-U.S. flag vessels, and the Cooperating Sponsor arranges ocean transportation:

* * * * *

(g) *Documents required for payment of freight—(1) General rule.* * * *

* * * * *

(vii) For all liner cargoes, a copy of the tariff page.

* * * * *

(ix) Each request to CCC for payment must provide a document, on letterhead and signed by an official or agent of the requester, the name of the entity to receive payment, the bank ABA number to which payment is to be made; the account number for the deposit at the bank; the requester's taxpayer identification number; and the type of account into which funds will be deposited.

* * * * *

1499.8 [Amended]

6. In section 1499.8, paragraph (8) is amended by deleting "One copy" wherever it appears and adding "One signed copy" in its place, and paragraph (g)(1)(vi) is amended by deleting "a notice" and adding, in its place, "a signed notice".

7. Section 1499.10 is amended by adding a new paragraph (d) to read as follows:

§ 1499.10 Restrictions on commodity use and distribution.

* * * * *

(d) In the event that its participation in the program terminates, the non-government cooperating sponsor will safeguard any undistributed commodities and sales proceeds and dispose of such commodities and proceeds as directed by CCC.

8. Section 1499.14(b)(2) is amended by deleting "KCFMO" and adding, in its place "KCMO/DMD."

9. Section 1499.15, is amended by removing "KCFMO" wherever it appears and add, in its place "KCMO/DMD", revising the last sentence of paragraphs (d)(2) and (f)(3), and adding paragraphs (d)(2)(i) through (d)(2)(vi) to read as follows:

§ 1499.15 Liability for loss, damage, or improper distribution of commodities—claims and procedures.

* * * * *

(d) * * *

(2) * * * In the event of a declaration of general average:

(i) The Cooperating Sponsor shall assign all claim rights to CCC and shall provide CCC all documentation relating to the claim, if applicable;

(ii) CCC will be responsible for settling general average and marine salvage claims;

(iii) CCC has sole authority to authorize any disposition of commodities which have not commenced ocean transit or of which the ocean transit is interrupted;

(iv) CCC will receive and retain any monetary proceeds resulting from such disposition;

(v) CCC will initiate, prosecute and retain all proceeds of cargo loss and damage against ocean carriers and any allowance in general average; and

(vi) CCC will pay any general average or marine salvage claims determined to be due.

* * * * *

(f) * * *

(3) * * * If the Agricultural Counselor or Attache approves a Cooperating Sponsor's decision not to take further action on the claim, the Cooperating Sponsor shall assign the claim to CCC and shall forward all documentation relating to the claim to KCMO/DMD.

* * * * *

10. In section 1499.16, the second and third sentences of (c)(1) and the second and third sentences of (c)(2) are revised to read as follows:

§ 1499.16 Records and reporting requirements.

* * * * *

(c) *Reports.* (1) * * * Cooperating Sponsors must submit reports on Form CCC-620 and submit the first report by May 16 for agreements signed during the period, October 1 through March 31 or by November 16 for agreements signed during the period, April 1 through September 30. The first report must cover the time period from the date of signing and subsequent reports must be provided at six months intervals covering the period from the due date of the last report until all commodities have been distributed or sold and such distribution or sale reported to CCC. * * *

(2) * * * Cooperating Sponsors must submit reports on Form CCC-621 and submit the first report by May 16 for agreements signed during the period, October 1 through March 31 or by November 16 for agreements signed during the period, April 1 through September 30. The first report must cover the time period from the date of signing and subsequent reports must be provided at six months intervals

covering the period from the due date of the last report until all funds generated from commodity sales have been distributed and such distribution reported to CCC. * * *

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Dated: November 20, 1997.

Christopher E. Goldthwait,

General Sales Manager, FAS, and Vice President, Commodity Credit Corporation.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-199-AD]

RIN 2120-AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 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 British Aerospace (Jetstream) Model 4101 airplanes. This proposal would require replacement of certain wheel tie bolts with new bolts; and placing a life limit on these wheel tie bolts. 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 prevent metal fatigue failure of the wheel tie bolts, which could result in a tire burst or loss of the main wheel/tire assembly, and consequent reduced controllability of the airplane.

DATES: Comments must be received by March 25, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 97-NM-199-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 AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be