

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.

NORTHEAST DAIRY COMPACT COMMISSION

7 CFR Part 1301

Notice of Proposed Rulemaking; Over-Order Price Regulations

AGENCY: Northeast Dairy Compact Commission.

SUMMARY: The Northeast Dairy Compact Commission proposes to amend the current Compact Over-order Price Regulation, to exempt from the regulation fluid milk distributed by handlers during the 1998–1999 contract year under open competitive bid contracts with School Food Authorities in New England for Child Nutrition Programs qualified for reimbursement under the National School Lunch Act of 1946 and the Child Nutrition Act. Representatives of New England School Food Authorities and Food Services Programs have indicated to the Commission that the Regulation has had an adverse financial impact on their programs that will ultimately be born by school children. The proposal to exempt milk distributed to School Lunch Programs will avoid any increase in price to children due to the regulation for milk provided by School Food Service Programs.

DATES: Written comments and exhibits may be submitted until 5:00 PM, January 12, 1998. A public hearing to take testimony and receive documentary evidence relevant to amending § 1301.13 will be held on December 29, 1997 at 10:00 AM.

ADDRESSES: Send comments to the Northeast Dairy Compact Commission, 43 State Street, P.O. Box 1058, Montpelier, VT 05601.

The hearing will be held at the Ramada Rolling Green Hotel and Conference Center, 311 Lowell St., Andover, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director, Northeast Dairy Compact Commission at the above address or by telephone at

(802) 229–1941 or by facsimile at (802) 229–2028.

SUPPLEMENTARY INFORMATION:

I. Background

The Northeast Dairy Compact Commission (the “Commission”) was established under authority of the Northeast Interstate Dairy Compact (the “Compact”). The Compact was enacted into law by each of the six participating New England states as follows: Connecticut—Public Law 93–320; Maine—Public Law 89–437, as amended, Public Law 93–274; Massachusetts—Public Law 93–370; New Hampshire—Public Law 93–336; Rhode Island—Public Law 93–106; Vermont—Public Law 89–95, as amended 93–57. In accordance with Article I, Section 10 of the United States Constitution, Congress consented to the Compact in Public Law 104–127 (FAIR Act), Section 147, codified at 7 U.S.C. 7156. Subsequently, the United States Secretary of Agriculture, pursuant to 7 U.S.C. 7256(1), authorized the implementation of the Compact.

Pursuant to its authority under Article V, Section 11 of the Compact, the Commission conducted an informal rulemaking proceeding to adopt a Compact Over-order Price Regulation. See 62 FR 29626 (May 30, 1997). The Commission amended and extended the Compact Over-order Price Regulation on October 23, 1997. See 62 FR 62810 (November 25, 1997).

Pursuant to Article V, Section 11, the Commission is proposing to amend the current Compact Over-order Price Regulation to exempt from the regulation fluid milk distributed by handlers under open and competitive bid contracts for the 1998–1999 contract year with School Food Authorities in New England for Child Nutrition Programs qualified for reimbursement under the National School Lunch Act of 1946 and the Child Nutrition Act of 1966. The current Compact Over-order Price Regulation is codified at 7 CFR 1300 through 1308.1. The Commission submits as its proposed rule for purposes of public review and comment a new paragraph (e) to be added to 7 CFR 1301.13 *Exempt milk*.

II. Date, Time and Location of the Public Hearing

The Northeast Dairy Compact Commission will hold a public hearing

at 10:00 AM on December 29, 1997 at the Ramada Rolling Green Hotel and Conference Center, 311 Lowell Street, Andover, Massachusetts.

III. Request for Written Comments

Pursuant to Article VI (D) of the Commission’s Bylaws, any person may participate in the rulemaking proceeding independent of the hearing process by submitting written comments and exhibits to the Commission. Comments and exhibits may be submitted at any time until 5:00 PM, January 12, 1998. Comments and exhibits will be made part of the record of the rulemaking proceeding only if they identify the author’s name, address and occupation, and if they include a sworn notarized statement indicating that the comment and/or exhibit is presented based upon the author’s personal knowledge and belief. Facsimile copies will be accepted up until the 5:00 PM, January 12, 1998 deadline but the original copies must then be sent by ordinary mail.

Comments and exhibits should be sent to: Northeast Dairy Compact Commission, 43 State Street, P.O. Box 1058, Montpelier, VT 05601, (802) 229–2028 (fax).

For more information, contact a New England state department of agriculture or the Compact Commission offices—(802) 229–1941.

Dated December 8, 1997.

List of Subjects in 7 CFR Part 1301

Milk.

By authority of the Commission.

For the Commission.

Daniel Smith,

Executive Director.

For the reasons set forth in the preamble, the Commission proposes to amend 7 CFR part 1301 as follows:

PART 1301—[AMENDED]

1. The authority for part 1301 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Section 1301.13 is amended by adding paragraph (e) to read as follows:

§ 1301.13 Exempt milk.

* * * * *

(e) Effective April 1, 1998, all fluid milk distributed by handlers in eight ounce containers under open and

competitive bid contracts for the 1998–1999 contract year with School Food Authorities in New England, as defined by 7 CFR 210.2, for Child Nutrition Programs qualified for reimbursement under the National School Lunch Act of 1946, as amended, 42 U.S.C. 1751 *et seq.*, and the Child Nutrition Act of 1966, as amended, 42 U.S.C. 1773 *et seq.*

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[FR Doc. 97–32400 Filed 12–10–97; 8:45 am]

BILLING CODE 1650–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–150–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A320 and A321 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 A320 and A321 series airplanes. This proposal would require activation of a spoiler function that allows partial ground spoiler activation with only one main landing gear compressed. 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 possible delays in deceleration when landing with strong cross winds and/or on a contaminated runway, which could increase the potential for landing overrun.

DATES: Comments must be received by January 12, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–150–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: 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 97–NM–150–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–103, Attention: Rules Docket No. 97–NM–150–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, advises that possible delay in activation of automatic deceleration means when landing with strong cross winds and/or on a contaminated runway can occur on certain Airbus Model A320 and A321 series airplanes. This condition, if not corrected, could increase the potential for landing overrun.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A320–27–1088, Revision 3, dated December 11, 1996, which describes procedures for activation of a partial lift dumping function (“phased lift dumping”) that allows partial ground spoiler activation with only one main landing gear compressed. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 96–169–081(B), dated August 28, 1996, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 132 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 17 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$134,640, or \$1,020 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.