

# 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

### Commodity Credit Corporation

#### 7 CFR Part 1407

RIN 0560-AF47

#### Debarment and Suspension

AGENCY: Farm Service Agency, USDA.

ACTION: Proposed rule.

**SUMMARY:** Commodity Credit Corporation (CCC) proposes to revise the 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 proposes to 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.

**DATES:** Comments must be submitted on or before January 29, 1999.

**ADDRESSES:** Comments regarding this proposed rule may be directed to Dean Jensen, Chief, Contract Management Branch, Room 5755-S, STOP 0551, 1400 Independence Avenue, SW, Washington, DC 20250-0551, telephone (202) 720-2115, fax (202) 690-1809. All comments received will be available for public inspection at the above address during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Dean Jensen, 202-720-2115.

#### SUPPLEMENTARY INFORMATION:

##### *Executive Order 12866*

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

##### *Regulatory Flexibility Act*

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

The Executive Vice President, CCC, has certified that this rule will not have a significant economic impact on a substantial number of small entities. The principal regulatory change made by the proposed 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 rules 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 proposed 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 proposed rule would 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 7 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 of 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.

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

Administrative practice and procedure, Government procurement, Grant programs.

Accordingly, it is proposed that 7 CFR Part 1407 be revised to read 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 the Commodity Credit Corporation (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:

(1) For actions initiated by the Farm Service Agency (FSA) on behalf of CCC: the Executive Vice President of CCC, who is also the Administrator of FSA.

(2) For actions initiated by the Foreign Agricultural Service (FAS) on behalf of CCC: the Vice President of CCC who is the Administrator of FAS.

(3) For actions initiated by the Food and Nutrition Service (FNS) on behalf of CCC: the Vice President of CCC who is the Administrator of FNS.

(4) For actions initiated by the Agricultural Marketing Service (AMS) on behalf of CCC: the Vice President of CCC who is the Administrator of AMS.

(5) For actions initiated by the Natural Resources Conservation Service (NRCS) on behalf of CCC: the Vice President of CCC who is the Chief of 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 of CCC, or a designee.

Signed at Washington, D.C., on December 22, 1998.

**Keith Kelly,**

*Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 98-34521 Filed 12-29-98; 8:45 am]

BILLING CODE 3410-05-P

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

##### 14 CFR Part 39

[Docket No. 98-CE-73-AD]

RIN 2120-AA64

##### Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes

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

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

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Pilatus Aircraft Ltd. (Pilatus) Models PC-12 and PC-12/45 airplanes. The proposed AD would require removing the "Alternate Flap System" from the airplane flight controls and inserting a temporary revision that specifies this change in SECTION 2—LIMITATIONS of the PC-12 Pilot's Operating Handbook. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by the proposed AD are intended to preclude improper use of the "Alternate Flap System", which could result in flap asymmetry with consequent reduced or loss of control of the airplane.

**DATES:** Comments must be received on or before February 1, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-73-

AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 62 33; facsimile: +41 41 610 33 51. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; facsimile: (816) 426-2169.

#### 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 should 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 that summarizes 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 No. 98-CE-73-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, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-73-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.