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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 17

RIN 0551-AA54

Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the regulations applicable to the financing of the sale and exportation of agricultural commodities pursuant to title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480). The rule would permit a waiver of the present requirement that only private entities with a business office or agent in the United States are eligible to enter into title I, Pub. L. 480 agreements when the General Sales Manager determines that there is adequate assurance of repayment to CCC. This change would allow additional foreign private entities to participate in title I, and thereby increase exports of U.S. agricultural commodities.

DATES: This rule is effective November 5, 1998.

ADDRESSES: Comments should be sent to Grant Pettrie, Acting Director, Program Development Division, Foreign Agricultural Service, U.S. Department of Agriculture, Room 4506, South Building, Stop 1034, Washington, DC 20250-1034.

FOR FURTHER INFORMATION CONTACT: Acting Director, Program Development Division, Foreign Agricultural Service, U.S. Department of Agriculture, Room 4506, South Building, Stop 1034, Washington, DC 20250-1034; telephone: (202) 720-4221; Facsimile: (202) 690-0251.

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 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.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act. The Vice President, CCC, who is the General Sales Manager, has certified that this rule will not have a significant economic impact on a substantial number of small entities. Under title I, Pub. L. 480 CCC enters into agreements with foreign governments or private entities to finance their purchase and importation of U.S. agricultural commodities. The rule would allow a waiver of an existing program requirement that restricts the eligibility of businesses in foreign countries to enter into these agreements with CCC. A copy of this rule has been submitted to the General Counsel, Small Business Administration.

Executive Order 12372

This program 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).

Paperwork Reduction Act

The information collection requirements imposed by this 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 0551-0005 for this information collection. This rule would not require the collection of additional information.

Executive Order 12988

This rule has been reviewed under 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 final rule does not have a retroactive effect. The rule does not require that administrative remedies be exhausted before suit may be filed.

Background

Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480) authorizes CCC to finance the sale and exportation of agricultural commodities on concessional credit terms, 7 U.S.C. 1701 *et seq.* CCC may enter into title I, Pub. L. 480 agreements with private entities. Current regulations provide that, in order to be eligible for a title I, Pub. L. 480 agreement, a private entity must maintain a bona fide business office in the United States and have a person, principal, or agent on whom service of judicial process may be had in the United States.

On August 7, 1998, CCC published a proposed rule (63 FR 42283) that would allow the General Sales Manager to waive this requirement if the foreign private entity provides adequate assurances of repayment to CCC for the financing extended to it under the Pub. L. 480 agreement.

The purpose of the proposed rule was to allow CCC more flexibility in programming in order to take advantage of viable export opportunities. CCC did not receive any comments on the proposed rule and is adopting it as a final rule without change.

List of Subjects in 7 CFR Part 17

Agricultural commodities, Exports, Finance, Maritime carriers.

Accordingly, this rule amends part 17 of 7 CFR As follows:

Part 17—Sales of Agricultural Commodities Made Available Under Title I of the Agricultural Trade Development and Assistance Act of 1954, as Amended

1. The authority citation for part 17 continues to read as follows:

Authority: 7 U.S.C. 1701–1704, 1731–1736b, 1736f, 5676.; E.O. 12220, 45 FR 44245.

2. Section 17.1(b)(3) is revised to read as follows:

§ 17.1 General.

* * * * *

(b) * * *

(3) A private entity must maintain a bona fide business office in the United States and have a person, principal, or agent on whom service of judicial process may be had in the United States unless the General Sales Manager determines that there are adequate assurances of repayment to CCC for the financing extended by CCC.

* * * * *

Signed at Washington, DC, on October 14, 1998.

Lon Hatamiya,

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

[FR Doc. 98–29588 Filed 11–4–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM148; Special Conditions No. 25–141–SC]

Special Conditions: Boeing Model 777 Series Airplanes; Seats With Articulating Seat Backs

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for Boeing Model 777 series airplanes with articulating seat backs. The applicable regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the existing airworthiness standards.

EFFECTIVE DATE: December 7, 1998.

FOR FURTHER INFORMATION CONTACT: Jeff Gardlin, Propulsion, Mechanical Systems, and Crashworthiness Branch,

ANM–112, Transport Airplane Directorate, Aircraft Certification Service, FAA, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2136; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Background

On April 15, 1998, the Boeing Company applied for a change to Type Certificate No. T00001SE to include Model 777 series airplanes equipped with seats with articulating seat backs (seats that have a portion of the seat back that moves under inertia loads). Sicma Aero Seat, a Boeing supplier, has designed a seat for installation on a Boeing 777–300 airplane with an articulating seat back that is designed to rotate forward under a prescribed inertial load. The prescribed inertial load is slightly below the 16g test condition of § 25.562. The inertial load causes the seat back mounted video monitor and headrest assembly to partially separate from the seat back and pivot forward. The goal of the design is to reduce the mass of the upper seat back subject to impact, thereby reducing the Head Injury Criteria (HIC) measurement and enhancing passenger safety.

Section 25.562 specifies the dynamic test criteria for each seat type installed in the airplane. The pass/fail criteria for these seats include structural as well as human tolerance criteria. In particular, the regulations require that persons not suffer serious head injury under the conditions specified in the tests, and that a HIC measurement of not more than 1000 units be recorded, should contact with the cabin interior occur. While the test conditions described in this section are specific, it is the intent of the requirement that an adequate level of head injury protection be provided for crash severities up to and including that specified.

The FAA has established guidance, known as “simplified HIC certification,” described in a February 1996 Transport Airplane Directorate memorandum, which provides a simplified procedure for demonstrating compliance with the HIC requirements of § 25.562(c)(5). This procedure provides test conditions that meet the intent of the requirements, without causing excessive testing to be performed. The typical seat back has three areas that are considered head strike zones within the +/- 10-degree yaw range of impact orientation. The procedure describes two different tests that address these three head strike zones for the majority of cases.

Because § 25.562 and FAA guidance do not adequately address seats with

articulating seat backs, the FAA recognizes that appropriate pass/fail criteria need to be developed that do fully address the safety concerns specific to occupants of these seats.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Boeing must show that Model 777 airplanes equipped with seats with articulating seat backs comply with the regulations in the U.S. type certification basis established for the Model 777 airplane. The U.S. type certification basis for the Model 777 is established in accordance with 14 CFR 21.29 and 21.17 and the type certification application date. The U.S. type certification basis is listed in Type Certificate Data Sheet No. T00001SE.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR Part 25 as amended) do not contain adequate or appropriate safety standards for Boeing Model 777 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of 14 CFR 21.16 to establish a level of safety equivalent to that established in the regulations.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 777 must comply with the fuel vent and exhaust emission requirements of 14 CFR Part 34 and the noise certification requirements of 14 CFR Part 36.

Special conditions, as appropriate, are issued in accordance with 14 CFR 11.49 after public notice, as required by 14 CFR 11.28 and 11.29(b), and become part of the type certification basis in accordance with 14 CFR 21.101(b)(2). Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

The Boeing Company has proposed installing seats with articulating seat backs on a Boeing Model 777–300 airplane. The articulating seat back is designed to rotate forward under a prescribed inertial load. The prescribed inertial load is slightly below the 16g test condition specified in § 25.562. The inertial load causes the seat back mounted video monitor and headrest