

# Rules and Regulations

Federal Register

Vol. 65, No. 38

Friday, February 25, 2000

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### 7 CFR Parts 1484 and 1550

RIN 0551-AA26

#### Programs To Help Develop Foreign Markets for Agricultural Commodities (Foreign Market Development Cooperator Program)

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule revises the regulations governing the Foreign Market Development Cooperator (Cooperator) program to reflect that the Cooperator program will now be funded by the Commodity Credit Corporation (CCC) and operated under the authority of the CCC Charter Act.

**EFFECTIVE DATE:** February 25, 2000.

**FOR FURTHER INFORMATION CONTACT:** Kent Sisson or Denise Huttenlocker at (202) 720-4327.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

This final rule is issued in conformance with Executive Order 12866. It has been determined that this final rule will not have an annual economic effect in excess of \$100 million; will not cause a major increase in costs to consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have an adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or foreign markets.

##### Executive Order 12988

This final rule has been reviewed in accordance with 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; does not have retroactive effect; and does require administrative proceedings before suit may be filed.

##### 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).

##### Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule because the CCC is not required by any 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 for participating in the Cooperator program have been submitted for reinstatement to the Office of Management and Budget (OMB). OMB has previously assigned control number 0551-0026 to the information collection and recordkeeping requirements. This final rule does not impose new information collection requirements.

##### Background

The Cooperator program is designed to encourage the creation, expansion, and maintenance of foreign markets for agricultural commodities. Most recently, the Cooperator program has been operated under Title VII of the Agricultural Trade Act of 1978 and funded by annual appropriations to the Foreign Agricultural Service, USDA. Beginning with fiscal year 2000, the Cooperator program will be funded by the CCC and operated under the authority of the CCC Charter Act. This rule reflects that change by codifying the change in authority, redesignating the regulations currently in 7 CFR part 1550 as 7 CFR part 1484, and by making minor conforming changes to the regulations.

This rule is published as a final rule and is effective on the date of publication because the decision to

utilize CCC authority to implement the Cooperator program to the CCC is a matter of agency management.

#### List of Subjects in 7 CFR Parts 1484 and 1550

Agricultural commodities, Exports, Grant programs—agriculture, Reporting and recordkeeping requirements.

Accordingly, Title 7 is amended as follows:

#### PART 1550—[REDESIGNATED AS PART 1484]

1. Title 7 of the Code of Federal Regulations is amended by redesignating part 1550, consisting of §§ 1550.10 through 1550.76, as part 1484—Programs To Help Develop Foreign Markets for Agricultural Commodities, consisting of §§ 1484.10 through 1484.76.

2. The authority citation for redesignated part 1484 is revised to read as follows:

**Authority:** 15 U.S.C. 714c(f).

3. Newly redesignated § 1484.10 is amended by adding a sentence at the end thereof to read as follows:

#### § 1484.10 What is the effective date of this part?

\* \* \* The Cooperator Program is administered by personnel of the Foreign Agricultural Service.

4. In newly redesignated § 1484.13, the following definitions are revised to read as follows:

#### § 1484.13 Are there any special definitions that apply to the Cooperator program?

\* \* \* \* \*

*Administrator*—the Vice President, CCC, who also serves as Administrator, FAS, USDA, or designee.

\* \* \* \* \*

*Project funds*—the funds made available to a Cooperator under a project agreement, and authorized for expenditure in accordance with this part.

\* \* \* \* \*

5. In newly redesignated § 1484.35, paragraph (d)(1) is revised to read as follows:

#### § 1484.35 Must Cooperators follow specific contracting procedures?

\* \* \* \* \*

(d) \* \* \*

(1) Ensure that all expenditures for goods and services in excess of \$25.00,

which are reimbursed with project funds, are documented by a purchase order, invoice, or contract;

\* \* \* \* \*

6. In newly redesignated § 1484.36, paragraph (a) introductory text is revised to read as follows:

**§ 1484.36 How do Cooperators dispose of disposable property?**

(a) Property purchased by the Cooperator, and for which the Cooperator is reimbursed with project funds, that is unusable, unserviceable, or no longer needed for project purposes shall be disposed of in one of the following ways. The Cooperator may:

\* \* \*

\* \* \* \* \*

**§§ 1484.38, 1484.73, 1484.74, 1484.75 [Amended]**

7. In newly redesignated §§ 1484.38, 1484.73, 1484.74(c), and 1484.75, remove the word "FAS" and add, in its place, the words "Commodity Credit Corporation."

Signed at Washington, DC, on February 15, 2000.

**Timothy J. Galvin,**

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

[FR Doc. 00-4168 Filed 2-24-00; 8:45 am]

**BILLING CODE 3410-10-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 25**

**[Docket No. NM168; Special Conditions No. 25-156-SC]**

**Special Conditions: McDonnell Douglas Model MD-10-10/10F and MD10-30/30F Airplanes; High Intensity Radiated Fields (HIRF).**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for Model MD-10-10/10F and MD10-30/30F airplanes, manufactured by the McDonnell Douglas Corporation, now a wholly owned subsidiary of The Boeing Company. These airplanes will have novel and unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These airplanes will utilize electrical and electronic systems that perform critical functions. The

applicable type certification regulations do not contain adequate or appropriate safety standards for the protection of this system from the effects of high-intensity radiated fields (HIRF). 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.

**DATES:** The effective date of these special conditions is February 15, 2000. Comments must be received on or before March 27, 2000.

**ADDRESSES:** Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM-114), Docket No. NM168, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. Comments must be marked: Docket No. NM168. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

**FOR FURTHER INFORMATION CONTACT:** Gerry Lakin, FAA, Transport Airplane Directorate, Aircraft Certification Service, Standardization Branch, ANM-113, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; telephone (425) 227-1187; facsimile (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** The FAA has determined that notice and opportunity for prior public comment are impracticable because these procedures would significantly delay issuance of the approval design and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

**Comments Invited**

Interested persons are invited to submit such written data, views, or arguments, as they may desire. Communications should identify the regulatory docket and special conditions number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by

interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM168." The postcard will be date stamped and returned to the commenter.

**Background**

On February 14, 1997, McDonnell Douglas Corporation (MDC) submitted an application to amend the DC-10/MD-11 Type Certificate No. A22WE to include four new models, MD-10-10/-10F and MD-10-30/-30F. The MD-10 series aircraft are modified DC-10 aircraft with an Advanced Common Flightdeck (ACF), similar to that on the Model MD-11, that will allow operation with a two person flight crew. No changes to primary structures, engines, primary flight control systems, or aircraft performance are being made.

The ACF on the MD-10 series aircraft will utilize electrical and electronic systems that perform critical functions; examples of which include the electronic displays and flight control computers. These systems can be susceptible to disruption to both command/response signals as a result of electrical and magnetic interference. This disruption of signals could result in loss of all critical functions that would prevent the continued safe flight and landing of the airplane.

**Type Certification Basis**

Under the provisions of § 21.101, The Boeing Company must show that the Model MD-10 series airplanes continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A22WE, or the applicable regulations in effect on the date of application for the change to the Model MD-10 series aircraft. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." Based on the application date, February 14, 1997, the applicable regulations are 14 CFR part 25, effective February 1, 1965, including amendments 25-1 through 25-89, for all areas affected by the change.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25 as amended) do not contain adequate or appropriate safety standards for the Model MD-10 series aircraft because of novel or unusual design