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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 73

[Airspace Docket No. 94-ASW-21]

#### Change in Using Agency for Restricted Areas R-5107C, D, E, F, G, H; R-5109A, B; and R-5111A, B, C; NM

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

**ACTION:** Final rule.

**SUMMARY:** This action changes the using agency for Restricted Areas R-5107C, D, E, F, G, H; R-5109A, B; White Sands Missile Range, NM, and R-5111A, B, C; Elephant Butte, NM, from "Deputy for Air Force, White Sands Missile Range, NM 88002" to "Commanding General, White Sands Missile Range, NM." This is an administrative change initiated by the U.S. Air Force to reflect its reorganization of responsibilities at White Sands Missile Range. There are no changes to the boundaries, designated altitudes, times of designation, or activities conducted within the affected restricted areas.

**EFFECTIVE DATE:** 0901 UTC, May 25, 1995.

**FOR FURTHER INFORMATION CONTACT:** Pete Magarelli, Military Operations Program Office (ATM-420), Office of Air Traffic System Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-7130.

#### SUPPLEMENTARY INFORMATION:

##### The Rule

This amendment to part 73 of the Federal Aviation Regulations changes the using agency for Restricted Areas R-5107C, D, E, F, G, H; R-5109A, B; White Sands Missile Range, NM, and R-5111A, B, C; Elephant Butte, NM, from "Deputy for Air Force, White Sands

Missile Range, NM 88002" to "Commanding General, White Sands Missile Range, NM." This is an administrative change initiated by the U.S. Air Force to reflect its reorganization of responsibilities at White Sands Missile Range. There are no changes to the boundaries, designated altitudes, times of designation, or activities conducted within the affected restricted areas. Because this action is a minor technical amendment in which the public is not particularly interested, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Section 73.51 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8B dated March 9, 1994.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Environmental Review

This action changes the using agency of the restricted areas. There are no changes to the boundaries, designated altitudes, times of designation, or activities conducted within the affected restricted areas. Accordingly, this action is not subject to environmental assessments and procedures as set forth in FAA Order 1050.1D, "Policies and Procedures for Considering Environmental Impacts" and the National Environmental Policy Act.

#### List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

#### PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

**Authority:** 49 U.S.C. app. 1348(a), 1354(a), 1510, 1522; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

#### § 73.51 [Amended]

2. Section 73.51 is amended as follows:

#### R-5107C, D, E, F, G and H; White Sands Missile Range, NM [Amended]

By removing "Using agency, Deputy for Air Force, White Sands Missile Range, NM 88002." and substituting the following: "Using agency, Commanding General, White Sands Missile Range, NM."

#### R-5109A and B; White Sands Missile Range, NM [Amended]

By removing "Using agency, Deputy for Air Force, White Sands Missile Range, NM 88002." and substituting the following: "Using agency, Commanding General, White Sands Missile Range, NM."

#### R-5111A, B and C; Elephant Butte, NM [Amended]

By removing "Using agency, Deputy for Air Force, White Sands Missile Range, NM 88002." and substituting the following: "Using agency, Commanding General, White Sands Missile Range, NM."

Issued in Washington, DC, on March 15, 1995.

**Harold W. Becker,**

*Manager, Airspace-Rules and Aeronautical Information Division.*

[FR Doc. 95-7192 Filed 3-22-95; 8:45 am]

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### 15 CFR Part 2012

#### Implementation of Tariff-Rate Quota for Imports of Beef

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This rule provides for export certificates to accompany imports of beef under the tariff-rata quota for beef established as a result of the Uruguay Round Agreements.

**DATES:** Interim rule effective on March 23, 1995. Comments must be received on or before May 22, 1995.

**ADDRESSES:** Comments may be sent to Len Condon, Deputy Assistant United States Trade Representative for Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20506.

**FOR FURTHER INFORMATION CONTACT:** Len Condon, Deputy Assistant United States Trade Representative for Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20506; telephone: (202) 395-6127.

**SUPPLEMENTARY INFORMATION:**

**Background**

As a result of the Uruguay Round Agreements, approved by the Congress in section 101 of the Uruguay Round Agreement Act (URAA) Pub. L. 103-465), the President, by Presidential Proclamation No. 6763, has established a tariff-rate quota for beef. (Under a tariff-rate quota, the United States applies one tariff rate, known as the "in-quota tariff rate," to imports of a product up to a particular amount, known as the "in-quota quantity," and a different, higher tariff rate, known as the "over-quota tariff rate," to imports of the product in excess of that amount.) The United States has also agreed to assign Australia, Japan, and New Zealand particular shares of the in-quota quantity.

Additional U.S. note 3 to chapter 2 of the Harmonized Tariff Schedule of the United States, as added by the Annex to Proclamation No. 6763, provides that imports under the tariff-rate quota for beef "are subject to regulations issued by the United States Trade Representative."

As part of the implementation of this tariff-rate quota, the United States is offering exporting countries that have an allocation of the in-quota quantity the opportunity to use export certificates for their beef exports to the United States. Using export certificates assures an exporting country that only those exports that it intends for the United States market are counted against its in-quota allocation, and in this instance ensures that imports do not disrupt the orderly marketing of beef in the United States. However, a country does not need to participate in the export certificate program to receive the in-quota tariff rate for its share of the in-quota quantity.

The government of New Zealand has specifically requested that the opportunity to use export certificates be made available to it and had requested that this opportunity be available as of January 1, 1995. It was not possible to promulgate the necessary regulations by

January 1, 1995, but the United States government is responding to the request of the government of New Zealand as promptly as possible.

Under the interim rule, a country wishing to avail itself of export certificates must notify USTR, provide the necessary supporting information, and otherwise satisfy USTR that the country is a participating country. (USTR intends to publish a notice in the **Federal Register** whenever a country becomes, or ceases to be, a participating country.) The United States Customs Service will then be responsible for ensuring that no imports of beef from that country are counted against the country's in-quota allocation unless there is a proper export certificate for that beef.

The Customs Service will separately issue regulations governing Customs implementation of this rule. Accordingly, no export certificates will be required for imports from a country until the Customs Service regulations are in effect and USTR determines that the country is a participating country.

**Review**

This rule has been determined to be a "significant regulatory action" under Executive Order 12866 and has been reviewed by the Office of Management and Budget.

The information collection requirements referred to in this rule will be submitted to the Office of Management and Budget by the Customs Service in accordance with 44 U.S.C. Chapter 35 for approval under OMB Number 1515-0065.

No regulatory flexibility analysis is required for this rule since neither 5 U.S.C. 553 nor any other provision of law requires publication of a general notice of proposed rulemaking with respect to this rule. However, the United States Trade Representative has also determined that the rule will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 15 CFR Part 2012**

Beef, Export certificates, Imports, Meat, Tariff-rate quotas.

For the reasons set out in the preamble, 15 CFR is amended by adding the following new part 2012 to read as follows:

**PART 2012—IMPLEMENTATION OF TARIFF-RATE QUOTAS FOR BEEF**

Sec.

2012.1 Purpose.

2012.2 Definitions.

2012.3 Export certificates.

**Authority:** Proclamation No. 6763; sec. 404, Pub. L. 103-465, 108 Stat. 4809.

**§ 2012.1 Purpose.**

The purpose of this part is to provide for the implementation of the tariff-rate quota for beef established as a result of the Uruguay Round Agreements, approved by the Congress in section 101 of the Uruguay Round Agreements Act (Pub. L. 103-465). In particular, this part provides for the administration of export certificates where a country that has an allocation of the in-quota quantity under the tariff-rate quota has chosen to use export certificates.

**§ 2012.2 Definitions.**

Unless the context otherwise requires, for the purpose of this subpart, the following terms shall have the meanings assigned below.

(a) *Beef* means any article classified under any of the subheadings of the HTS specified in additional U.S. note 3 to chapter 2 of the HTS.

(b) *Allocated country* means a country to which an allocation of a particular quantity of beef has been assigned under additional U.S. note 3 to chapter 2 of the HTS.

(c) *Enter* means to enter, or withdraw from warehouse, for consumption.

(d) *HTS* means the Harmonized Tariff Schedule of the United States.

(e) *Participating country* means any allocated country that USTR has determined is, and notified the U.S. Customs Service as being eligible to use export certificates.

(f) *USTR* means the United States Trade Representative or the designee of the United States Trade Representative.

**§ 2012.3 Export certificates.**

(a) Beef may only be entered as a product of a participating country if the importer makes a declaration to the Customs Service, in the form and manner determined by the Customs Service, that a valid export certificate is in effect with respect to the beef.

(b) To be valid, an export certificate shall:

(1) Be issued by or under the supervision of the government of the participating country;

(2) Specify the name of the exporter, the product description and quantity, and the calendar year for which the export certificate is in effect;

(3) Be distinct and uniquely identifiable; and

(4) Be used in the calendar year for which it is in effect.

**Michael Kantor,**

*United States Trade Representative.*

[FR Doc. 95-7125 Filed 3-22-95; 8:45 am]

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