

equipped with a governor and all will need the improved throttle governor installed.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### **PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40113, 44701.

#### **§ 39.13 [Amended]**

2. Section 39.13 is amended by removing Amendment 39-4645 (48 FR 21894, May 16, 1983), and by adding a new airworthiness directive (AD) to read as follows:

Robinson Helicopter Company; Docket No. 95-SW-27-AD. Supersedes AD 82-23-51, Amendment 39-4645.

Applicability: Model R22 helicopters, serial numbers (S/N) 0002 to 2537, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area

subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required within the next 30 days after the effective date of this AD, unless accomplished previously.

To minimize the possibility of pilot mismanagement of the main rotor (M/R) revolutions-per-minute (RPM), which could result in unrecoverable M/R blade stall and subsequent loss of control of the helicopter, accomplish the following:

(a) Adjust the A569-1 or -5 low-RPM warning unit so that the warning horn and caution light activate when the M/R RPM is between 96% and 97% rotor RPM in accordance with the procedures contained in the Model R22 maintenance manual.

(b) For Model R22 helicopters that do not have a governor currently installed, install a Robinson Helicopter Company KI-67-2 Governor Field Installation Kit in accordance with the kit instructions.

(c) For Model R22 helicopters that have a throttle/collective governor currently installed, upgrade the governor with a Robinson Helicopter Company KI-67-3 Governor Upgrade Kit in accordance with the kit instructions.

(d) Upon accomplishment of paragraph (b) or (c) of this AD, insert pages 2-2 and 2-7 of the FAA-approved Robinson Helicopter Company R22 Rotorcraft Flight Manual, revised July 6, 1995, into each Model R22 helicopter's flight manual, and make pen-and-ink changes to page 2-7 to delete the phrase "If equipped with RPM governor," and add the phrase "with an instructor pilot" so that the affected limitation will state "Flight prohibited with governor selected off, with exceptions for system malfunction and emergency procedures training with an instructor pilot." Also, delete the phrase "If not equipped with RPM governor," so that the affected limitation will state "Maximum power-on RPM required during takeoff, climb, or level flight below 500 feet AGL or above 5000 feet density altitude."

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA. Operators shall submit their requests through FAA Principal Maintenance Inspectors, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(f) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on December 6, 1995.

Daniel P. Salvano,  
Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 95-30422 Filed 12-13-95; 8:45 am]

BILLING CODE 4910-13-U

#### **OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

#### **15 CFR Part 2013**

#### **Weekly Allocation of NAFTA Tariff-Rate Quotas for Fresh Tomatoes**

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

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Office of the United States Trade Representative is considering a proposal to allocate on a weekly basis the seasonal tariff-rate quotas for fresh tomatoes which were established under the North American Free Trade Agreement. Public comment is invited.

**DATES:** Written comments must be received on or before March 13, 1996.

**ADDRESSES:** Comments should be mailed to Leonard W. Condon, Deputy Assistant United States Trade Representative for Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508. Envelopes should be marked: "Tomato ANPR".  
**FOR FURTHER INFORMATION CONTACT:** Leonard W. Condon (202) 395-9564.

**SUPPLEMENTARY INFORMATION:** Article 302(4) of the North American Free Trade Agreement (NAFTA) provides that each NAFTA party " \* \* \* may adopt or maintain import measures to allocate in-quota imports made pursuant to a tariff rate quota set out in Annex 302.2, provided that such measures do not have trade restrictive effects on imports additional to those caused by the imposition of the tariff rate quota."

Section 321(c) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3391(c)) provides that in "implementing the tariff rate quotas set out in the United States Schedule to Annex 302.2 of the Agreement, the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the

United States." The President has delegated this authority with respect to the tomato tariff-rate quotas (TRQ's) to the United States Trade Representative (USTR).

Concern has been expressed about the impact on domestic markets of surges in imports of Mexican tomatoes.

Allocation of the existing seasonal TRQ's on a weekly basis is an option which could address that concern. USTR is considering that option and seeking public comment.

Mexico typically supplies over 90 percent of U.S. fresh tomato imports. During the winter months, more than 25 percent of the fresh tomatoes consumed in the United States are grown in Mexico.

In accordance with terms of the NAFTA, this proposal would affect only tomatoes imported into the United States from Mexico during the periods March 1 through July 14 through the year 2002 and November 15 through February until February 2003. Tomatoes entered from Mexico eligible for the in-quota tariff would be charged the declining NAFTA rate. All other Mexican tomatoes would be charged the most favored nation rate.

Tariffs on tomatoes imported from Mexico during the period July 15 through November 14 are being phased out over five years. No TRQ's apply from July 15 through November 14. Entries during this period would be unaffected.

**Allocation Methodology:** One method for allocating the in-quota quantity for each of the tariff-rate quotas would be to distribute the specified quantity evenly on a weekly basis throughout each TRQ period. Since the in-quota quantity for each TRQ increases each year, an annual re-calculation of the weekly TRQ's would be necessary.

The following is an example of how the in-quota quantity could be distributed on a weekly basis:

According to U.S. Note 10 to subchapter VI of chapter 99 of the HTS, for the period November 15, 1995 through February 29, 1996, the in-quota quantity is 177,469,000 kilograms (kg.).

The seasonal TRQ would be divided evenly into weekly allocations. The period from November 15, 1995, through February 29, 1996, includes 14 complete weeks and portions of two weeks at the beginning and end of the period. To calculate the weekly allocation for the season, the total seasonal TRQ of 177,469,000 kg would be divided by 107, the total number of days in the period. A week would be defined as a seven-day period running from Monday through Sunday. The daily amount would be multiplied times

7 to establish an allocation for each of 14 full weeks. For the period November 15 through November 19, the daily amount would be multiplied by 5 and for the February 26 through February 29 period, the daily amount would be multiplied by 4. This establishes a weekly allocation of 11,610,121 kg. for each of the 14 full weeks, an allocation of 8,292,248 kg. for the November 15-18, 1995, period, and 6,634,358 kg. for the February 26-29, 1996, period.

For the period November 15, 1995, through February 29, 1996, the tariff on tomatoes imported from Mexico within the weekly quotas would be 2.6 cents per kilogram. The tariff on any amounts which exceed the weekly quotas would be 3.2 cents per kilogram.

USTR is particularly interested in comments from the public which address the following points:

(a) To what extent do surges in imports of Mexican tomatoes disrupt, or threaten to disrupt, the U.S. market for fresh tomatoes?

(b) Would a weekly allocation of the current seasonal TRQ's be an effective mechanism for moderating any disruption that might otherwise occur?

(c) If the seasonal TRQ is to be subdivided into weekly TRQ's, how should it be equitably allocated among the weeks?

(d) Are there alternative mechanisms available to cushion the impact of surges in imports of Mexican tomatoes that could be more effective, but still consistent with U.S. obligations under NAFTA?

#### Written Comments

Comments on the above Advance Notice of Proposed Rulemaking are invited. Written comments should be directed to Leonard W. Condon, Deputy Assistant United States Trade Representative for Agricultural Affairs, Office of the United States Trade Representative, Washington, DC, 20508. Comments, with two copies, should be received by March 13, 1996.

Michael Kantor,

*United States Trade Representative.*

[FR Doc. 95-30501 Filed 12-13-95; 8:45 am]

BILLING CODE 3190-01-M

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 3

#### Ethics Training for Registrants

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Proposed rule.

**SUMMARY:** On July 22, 1994, the Commodity Futures Trading Commission (Commission) proposed amendments to Rule 3.34, which governs ethics training for Commission registrants. The Commission has published a release announcing the adoption of those rule amendments in the Federal Register on December 13, 1995. The Commission also is proposing to amend Rule 3.34 to require that persons who seek to provide ethics training must present satisfactory evidence that they meet a proficiency testing requirement established by a registered futures association and possess a minimum of three years of relevant experience. The Commission is also proposing to amend Rule 3.34 to eliminate the provision permitting state-accredited entities to provide ethics training without being subject to the requirements pertaining to other providers under the rule.

**DATES:** Comments must be received by January 16, 1996.

**ADDRESSES:** Comments should be sent to the Office of the Secretariat, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581 and should refer to "Ethics Training for Registrants."

**FOR FURTHER INFORMATION CONTACT:** Lawrence B. Patent, Associate Chief Counsel or Myra R. Silberstein, Attorney-Advisor, Division of Trading and Markets, 1155 21st Street, N.W., Washington, D.C. 20581. Telephone (202) 418-5450.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 210 of the Futures Trading Practices Act of 1992 added a new paragraph (b) to Section 4p of the Commodity Exchange Act (Act) to mandate ethics training for persons required to be registered under the Act.<sup>1</sup> On April 6, 1993, the Commission adopted Rule 3.34 to implement this Congressional mandate.<sup>2</sup> In September, 1993, the Commission issued a Federal Register release to clarify the procedures to be followed by persons

<sup>1</sup> This provision of the Act is codified at 7 U.S.C. 6p(b) (1994) and states that:

The Commission shall issue regulations to require new registrants, within 6 months after receiving such registration, to attend a training session, and all other registrants to attend periodic training sessions, to ensure that registrants understand their responsibilities to the public under this Act, including responsibilities to observe just and equitable principles of trade, any rule or regulation of the Commission, any rule of any appropriate contract market, registered futures association, or other self-regulatory organization, or any other applicable Federal or state law, rule or regulation.

<sup>2</sup> 58 FR 19575, 19584-19587, 19593-19594 (Apr. 15, 1993).