

Proposed Rules

Federal Register

Vol. 61, No. 8

Thursday, January 11, 1996

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

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 868

Fees for Rice Inspection

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Grain Inspection Service (FGIS), of the Grain Inspection, Packers and Stockyards Administration (GIPSA), is proposing to increase the fees for Federal Rice Inspection Services, as performed under the Agricultural Marketing Act (AMA) of 1946. This fee increase is intended to cover, as nearly as practicable, the projected operating costs, including related supervisory and administrative costs, for Federal Rice Inspection Services rendered, and to generate sufficient revenues to cover costs and maintain an appropriate operating reserve.

DATES: Written comments must be submitted on or before February 12, 1996.

ADDRESSES: Written comments must be submitted to George Wollam, GIPSA-FGIS, USDA, Room 0623-South Building, P.O. Box 96454, Washington, DC, 20090-6454, FAX (202) 720-4628.

All comments received will be made available for public inspection in Room 0623-South Building, 1400 Independence Avenue, SW., Washington, DC, during regular business hours. (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: George Wollam, address as above, telephone (202) 720-0292.

SUPPLEMENTARY INFORMATION:

Executive Order 12866 and Regulatory Flexibility Act

This rule has been determined to be significant for the purposes of Executive Order 12866 and therefore has been reviewed by the Office of Management

and Budget. This proposed increase in the service fees is necessary to recover operating losses in the Federal Rice Inspection Services. These fees were last increased on January 1, 1995, (56 FR 15483) but due to significant increases in expenses, revenue is not covering operating costs. The overall cost of operating the Federal Rice Inspection Service program increased between FY 93 and 94 by more than 9 percent. The cost increase occurred simultaneously with a more than 9 percent downturn in revenue due to fewer service requests. In fiscal year 1994, the program generated revenue of \$3,500,597 with operating costs of \$4,022,194, resulting in a 1-year operating loss of \$521,597. Currently, as of July 31, 1995, the rice program's retained earnings are a negative \$1,046,376.

The Administrator of the Grain Inspection, Packers and Stockyards Administration has determined that this proposed action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have a retroactive effect. This proposed rule will not preempt any State or local laws, regulations, or policies unless they present irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to provisions of this rule.

Regulatory Flexibility Act Certification

James R. Baker, Administrator, GIPSA, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of the rice inspection services do not meet the requirements for small entities. In addition, FGIS is required by statute to recover the costs of providing rice inspection services.

Information Collection and Record Keeping Requirements

In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the previously approved information collection and recordkeeping requirements concerning

applications for official inspection services including rice inspections, have been approved by the Office of Management and Budget under control number 0580-0013.

Background

The rice inspection fees were last amended on January 1, 1995, (56 FR 15483). These fees were to cover, as nearly as practicable, the level of operating costs as projected for fiscal year 1995. They presently appear in § 868.91 on tables 1 and 2 of the regulations (7 CFR 868.91 (Tables 1 and 2)).

FGIS continually monitors its cost, revenue, and operating reserve levels to ensure that there are sufficient resources for operations. During fiscal years 1992, 1993, and 1994 respectively, FGIS implemented cost-saving measures in an effort to provide more cost effective services. However, while the quantity of rice inspections may fluctuate, certain FGIS costs remain constant, consequently, revenues (\$2,869,010; \$3,758,893; and \$3,500,597) did not cover operating costs (\$3,346,899; \$3,847,762; and \$4,022,194) for fiscal years 1992, 1993, and 1994 respectively. This reflects a reduction to operating reserves for all three fiscal years.

Fiscal year 1994 offers the most current one-year figures available to compare FGIS' rice inspection operating costs with revenue. The figures for this year were used to project the budgeted fiscal year 1995 rice inspection operating costs and establish revenue levels necessary to cover projected operating costs. During the period of October 1, 1994, to July 31, 1995, the actual operating cost was \$3,760,305 and revenue was \$3,438,683, resulting in a reduction in operating reserves of \$321,667. This trend, which is expected to continue, necessitates an increase in fees and an increase to the per hundred weight volume charge for services performed at export port locations on lots at rest in order to recover the projected operating costs and maintain a 3 month operating reserve currently, as of July 31, 1995, at a negative \$1,046,376.

Proposed Action

Section 203(h) of the AMA (7 U.S.C. 1622(h)) provides for the establishment and collection of fees that are reasonable and, as nearly as practicable, cover the costs of the services rendered. These

fees cover the FGIS administrative and supervisory costs for the performance of official services, including personnel compensation, personnel benefits, travel, rent, communications, utilities, contractual services, supplies, and equipment.

Section 868.91, Tables 1 and 2 (as currently shown in section 868.91, Tables 1 and 2 of the regulations) are proposed to be revised to provide for the increase in rice inspection fees. A 3-stage increase plan is proposed to raise hourly rates and unit fees by approximately 6 percent for calendar years 1996, 1997, and 1998. These incremental increases will lessen the impact of the amount of increase required to replenish retained earnings

to appropriate levels by spreading it over 3 years.

FGIS will review its cost, revenue, and operating reserve levels to ensure that the fee increases for calendar years 1996, 1997, and 1998, are required at the levels specified and sufficient to maintain official rice inspection services, upon request. In the event a change in the fees is necessary, FGIS will engage in notice and comment rulemaking before making any changes.

List of Subjects in 7 CFR Part 868

Administrative practice and procedure, Agricultural commodities.

For reasons set out in the preamble, 7 CFR Part 868 is proposed to be amended as follows:

PART 868—GENERAL REGULATIONS AND STANDARDS FOR CERTAIN AGRICULTURAL COMMODITIES

1. The authority citation for part 868 continues to read as follows:

Authority: Secs. 202–208, 60 Stat. 1087, as amended (7 U.S.C. 1621 *et seq.*)

2. Section 868.91 is revised to read as follows:

§ 868.91 Fees for certain Federal Rice Inspection Services.

The fees shown in Tables 1 and 2 apply to Federal Rice Inspection Services.

TABLE 1.—HOURLY RATES/UNIT RATE PER CWT

[Fees for Federal Rice Inspection Services]

| Service ¹ | Regular workday (Monday-Saturday) | Nonregular workday (Sunday-Holiday) |
|---|--------------------------------------|--|
| EFFECTIVE APRIL 1, 1996 | | |
| Contract (per hour per Service representative) | \$35.80 | \$49.80 |
| Noncontract (per hour per Service representative) | 43.50 | 60.50 |
| Export Port Services ² | .042/CWT | .042/CWT |
| EFFECTIVE JANUARY 1, 1997 | | |
| Contract (per hour per Service representative) | \$37.90 | \$52.80 |
| Noncontract (per hour per Service representative) | 46.10 | 64.10 |
| Export Port Services ² | .045/CWT | .045/CWT |
| EFFECTIVE JANUARY 1, 1998 | | |
| Contract (per hour per Service representative) | \$40.20 | \$56.00 |
| Noncontract (per hour per Service representative) | 48.90 | 67.90 |
| Export Port Services ² | .048/CWT | .048/CWT |

¹ Original and appeal inspection services include: Sampling, grading, weighing, and other services requested by the applicant when performed at the applicant's facility.

² Services performed at export port locations on lots at rest.

TABLE 2.—UNIT RATES

| Service ^{1,3} | Rough rice | Brown rice for processing | Milled rice |
|---|------------|---------------------------|-------------|
| EFFECTIVE APRIL 1, 1996 | | | |
| Inspection for quality (per lot, subplot, or sample inspection) | \$29.20 | \$25.30 | \$18.00 |
| Factor analysis for any single factor (per factor): | | | |
| (a) Milling yield (per sample) | 22.70 | 22.70 | ..... |
| (b) All other factors (per factor) | 10.80 | 10.80 | 10.80 |
| Total oil and free fatty acid | | 35.40 | 35.40 |
| Interpretive line samples: ² | | | |
| (a) Milling degree (per set) | | | 75.80 |
| (b) Parboiled light (per sample) | | | 19.00 |
| Extra copies of certificates (per copy) | 3.00 | 3.00 | 3.00 |
| EFFECTIVE JANUARY 1, 1997 | | | |
| Inspection for quality (per lot, subplot, or sample inspection) | \$31.00 | \$26.80 | \$19.10 |
| Factor analysis for any single factor (per factor): | | | |
| (a) Milling yield (per sample) | 24.10 | 24.10 | ..... |
| (b) All other factors (per factor) | 11.40 | 11.40 | 11.40 |
| Total oil and free fatty acid | | 37.50 | 37.50 |

TABLE 2.—UNIT RATES—Continued

| Service ^{1, 3} | Rough rice | Brown rice for processing | Milled rice |
|---|------------|---------------------------|-------------|
| Interpretive line samples: ² | | | |
| (a) Milling degree (per set) ..... | ..... | ..... | 80.30 |
| (b) Parboiled light (per sample) ..... | ..... | ..... | 20.10 |
| Extra copies of certificates (per copy) | 3.00 | 3.00 | 3.00 |
| EFFECTIVE JANUARY 1, 1998 | | | |
| Inspection for quality (per lot, subplot, or sample inspection) | \$32.90 | \$28.40 | \$20.20 |
| Factor analysis for any single factor (per factor): | | | |
| (a) Milling yield (per sample) | 25.50 | 25.50 | ..... |
| (b) All other factors (per factor) | 12.10 | 12.10 | 12.10 |
| Total oil and free fatty acid ..... | ..... | 39.80 | 39.80 |
| Interpretive line samples: ² | | | |
| (a) Milling degree (per set) ..... | ..... | ..... | 85.10 |
| (b) Parboiled light (per sample) ..... | ..... | ..... | 21.30 |
| Extra copies of certificates (per copy) | 3.00 | 3.00 | 3.00 |

¹ Fees apply to determinations (original or appeals) for kind, class, grade, factor analysis, equal to type, milling yield, or any other quality designation as defined in the U.S. Standards for Rice or applicable instructions, whether performed singly or combined at other than at the applicant's facility.

² Interpretive line samples may be purchased from the U.S. Department of Agriculture, Federal Grain Inspection Service, Field Management Division, Board of Appeals and Review, USDA, FGIS Technical Center, 10383 North Executive Hills Boulevard, Kansas City, MO 68030. Interpretive line samples also are available for examination at selected FGIS field offices. A list of field offices may be obtained from the Deputy Director, Field Management Division, USDA, GIPSA, FGIS, P.O. Box 96454, Washington, DC 20090-6454. The interpretive line samples illustrate the lower limit for milling degrees only and the color limit for the factor "Parboiled Light" rice.

³ Fees for other services not referenced in Table 2 will be based on the noncontract hourly rate listed in Section 868.90, Table 1.

Dated: January 3, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96-325 Filed 1-10-96; 8:45 am]

BILLING CODE 3410-EN-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-84-AD]

Airworthiness Directives; Aerospatiale Model ATR42 Series Airplanes and Model ATR72 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Aerospatiale Model ATR42 series airplanes and Model ATR72 series airplanes. This proposal would require replacement of the attachment clips on the wing-to-fuselage fairings and on the upper cowlings of the engine nacelle with new improved attachment clips. This proposal also would require adding cup washers on the wing-to-fuselage fairing panels on certain airplanes. This proposal is prompted by a report of

deformed attachment clips found on the wing-to-fuselage fairings and on the upper cowlings of the engine nacelle. The actions specified by the proposed AD are intended to prevent deformation of the attachment clips due to insufficient strength of the attachment clip material. Such deformation of the attachment clips could result in the fairings and cowlings detaching from the airplane during flight and subsequently causing damage to the empennage or posing a hazard to persons or property on the ground.

DATES: Comments must be received by February 20, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-84-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Gary Lium, Aerospace Engineer,

Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1112; fax (206) 227-1320.

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 shall 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 summarizing 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