

Effective dates	Amount
October 1, 1997 through September 30, 1998 .....	4.00
October 1, 1998 through September 30, 1999 .....	4.00
October 1, 1999 through September 30, 2000 .....	4.00
October 1, 2000 through September 30, 2001 .....	4.00
October 1, 2001 .....	4.25

\* \* \* \* \*

(3) \* \* \*

(i) The owner or operator of a commercial truck, *if* entering the customs territory of the United States from Mexico *and* applying for a prepaid Customs permit for a calendar year, must apply for a prepaid APHIS permit for the same calendar year. Applicants must apply to Customs for prepaid APHIS permits.<sup>1</sup> The following information must be provided, together with payment of an amount 20 times the APHIS user fee for each arrival, *except*, that through September 30, 1997, the amount to be paid is \$40.00:

\* \* \* \* \*

(d) \* \* \* (1) Except as provided in paragraph (d)(2) of this section, an APHIS user fee will be charged for each loaded commercial railroad car which is subject to inspection under part 330 of this chapter or under 9 CFR chapter I, subchapter D, upon each arrival. The railroad company receiving a commercial railroad car in interchange at a port of entry or, barring interchange, the railroad company moving a commercial railroad car in line haul service into the customs territory of the United States, is responsible for paying the APHIS user fee. The APHIS user fee for each arrival of a loaded railroad car is shown in the following table. If the APHIS user fee is prepaid for all arrivals of a commercial railroad car during a calendar year, the APHIS user fee is an amount 20 times the APHIS user fee for each arrival.

Effective dates	Amount
[Effective date of docket] through September 30, 1997 .....	\$6.50
October 1, 1997 through September 30, 1998 .....	6.50
October 1, 1998 through September 30, 1999 .....	6.50
October 1, 1999 through September 30, 2000 .....	6.75
October 1, 2000 through September 30, 2001 .....	6.75
October 1, 2001 .....	7.00

\* \* \* \* \*

<sup>1</sup> Applicants should refer to Customs Service regulations (19 CFR part 24) for specific instructions.

(e) \* \* \* (1) Except as provided in paragraph (e)(2) of this section, an APHIS user fee will be charged for each commercial aircraft which is arriving, or which has arrived and is proceeding from one United States airport to another under a United States Customs Service "Permit to Proceed," as specified in title 19, Code of Federal Regulations, §§ 122.81 through 122.85, or an "Agricultural Clearance or Safeguard Order" (PPQ Form 250), used pursuant to title 7, Code of Federal Regulations, § 330.400 and title 9, Code of Federal Regulations, § 94.5, and which is subject to inspection under part 330 of this chapter or 9 CFR chapter I, subchapter D. Each carrier is responsible for paying the APHIS user fee. The APHIS user fee for each arrival is shown in the following table.

Effective dates	Amount
[Effective date of docket] through September 30, 1997 .....	\$59.25
October 1, 1997 through September 30, 1998 .....	59.75
October 1, 1998 through September 30, 1999 .....	59.75
October 1, 1999 through September 30, 2000 .....	60.25
October 1, 2000 through September 30, 2001 .....	61.25
October 1, 2001 .....	62.25

\* \* \* \* \*

(f) \* \* \* (1) Except as specified in paragraph (f)(2) of this section, each passenger aboard a commercial aircraft who is subject to inspection under part 330 of this chapter or 9 CFR, chapter I, subchapter D, upon arrival from a place outside of the customs territory of the United States, must pay an APHIS user fee. The APHIS user fee for each arrival is shown in the following table.

Effective dates	Amount
[Effective date of docket] through September 30, 1997 .....	\$1.95
October 1, 1997 through September 30, 1998 .....	2.00
October 1, 1998 through September 30, 1999 .....	2.00
October 1, 1999 through September 30, 2000 .....	2.05
October 1, 2000 through September 30, 2001 .....	2.10
October 1, 2001 .....	2.15

\* \* \* \* \*

(4) \* \* \*

(i) \* \* \*

(C) APHIS user fees collected from international passengers pursuant to paragraph (f) of this section shall be held in trust for the United States by the person collecting such fees, by any person holding such fees, or by the

person who is ultimately responsible for remittance of such fees to APHIS. APHIS user fees collected from international passengers shall be accounted for separately and shall be regarded as trust funds held by the person possessing such fees as agents, for the beneficial interest of the United States. All such user fees held by any person shall be property in which the person holds only a possessory interest and not an equitable interest. As compensation for collecting, handling, and remitting the APHIS user fees for international passengers, the person holding such user fees shall be entitled to any interest or other investment return earned on the user fees between the time of collection and the time the user fees are due to be remitted to APHIS under this section. Nothing in this section shall affect APHIS' right to collect interest for late remittance.

\* \* \* \* \*

Done in Washington, DC, this 21st day of January 1997.

Terry L. Medley,  
*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97-1892 Filed 1-24-97; 8:45 am]

BILLING CODE 3410-34-P

**Farm Service Agency**

**7 CFR Part 723**

RIN 0560-AF03

**National Marketing Quotas for Fire-Cured (Type 21), Fire-Cured (Types 22-23), Dark Air-Cured (Types 35-36), Virginia Sun-Cured (Type 37), and Cigar-Filler and Cigar-Binder (Types 42-44 and 53-55) Tobaccos**

AGENCY: Farm Service Agency, USDA.  
ACTION: Proposed rule.

**SUMMARY:** The Secretary of Agriculture (the Secretary), is required to proclaim by March 1, 1997, national marketing quotas for fire-cured (types 21-23) and dark air-cured (types 35-36) tobaccos for the 1997-98, 1998-99, and 1999-2000 marketing years (MYs) and to determine and announce the amounts of the national marketing quotas for fire-cured (type 21), fire-cured (types 22-23), dark air-cured (types 35-36), Virginia sun-cured (type 37), and cigar-filler and cigar-binder (types 42-44 and 53-55) kinds of tobacco for the 1997-98 MY. The public is invited to submit written comments, views, and recommendations concerning the determination of the national marketing quotas for such kinds of tobacco and other related matters which are discussed in this proposed rule.

**DATES:** Comments must be received on or before February 12, 1997, in order to be assured consideration.

**ADDRESSES:** Send comments to the Director, Tobacco and Peanuts Division, Farm Service Agency (FSA), United States Department of Agriculture (USDA), Room 5750, South Building, STOP 0514, P.O. Box 2415, Washington, DC 20013-2415. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, except holidays, in Room 5750, South Building, 14th and Independence Avenue, SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Robert L. Tarczy, FSA, USDA, Room 5750, South Building, STOP 0514, P.O. Box 2415, Washington, DC 20013-2415, 202-720-5346.

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12866**

This proposed rule has been determined to be significant for purposes of Executive Order 12866 and, therefore, has been reviewed by OMB.

**Federal Assistance Program**

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this notice applies are: Commodity Loans and Purchases—10.051.

**Executive Order 12778**

This proposed rule has been reviewed in accordance with Executive Order 12778, Civil Justice Reform. The provisions of the proposed rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

**Regulatory Flexibility Act**

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since FSA is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

**Paperwork Reduction Act**

The amendments to 7 CFR part 723 set forth in this proposed rule do not contain any information collection requirements that require clearance through the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1995.

**Unfunded Federal Mandates**

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded

Mandate Reform Act of 1995 (UMBRA), for state, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMBRA.

**Discussion**

The proposed rule would amend 7 CFR part 723 to set forth the 1996-crop marketing quotas for these five kinds of tobacco.

Section 312(b) of the Agricultural Adjustment Act of 1938, as amended (the Act), provides that the Secretary shall determine and announce, not later than March 1, 1997, with respect to kinds of tobacco specified in this proposed rule, the amount of the national marketing quota which will be in effect for MY 1997 in terms of the total quantity of tobacco which may be marketed that will allow a supply of each kind of tobacco equal to the reserve supply level. Supply and demand for these kinds of tobacco are in balance. Thus, changes in 1997 marketing quotas, if any, will likely be small.

Section 312(c) of the Act provides that, within 30 days after proclamation of national marketing quotas for fire-cured (types 21-23) and dark air-cured (types 35-36) tobaccos, the Secretary shall conduct referenda of farmers engaged in the 1996 production of each kind of tobacco to determine whether they favor or oppose marketing quotas for MY's 1997, 1998, and 1999. These referenda are required because MY 1996 is the last year of the 3 consecutive MYs for which marketing quotas previously proclaimed will be in effect.

The Secretary shall proclaim the results of any referendum. If more than one-third of the farmers voting in a referendum for a kind of tobacco oppose the quota, the national marketing quota previously proclaimed shall not become effective. The referendum results shall in no way affect or limit any subsequent quota proclamation and submission to a future referendum as otherwise authorized in section 312 of the Act.

Section 313(g) of the Act authorizes the Secretary to convert the national marketing quota into a national acreage allotment by dividing the national marketing quota by the national average yield for the 5 years immediately preceding the year in which the national marketing quota is proclaimed. In addition, the Secretary is authorized to apportion, through county committees, the national acreage allotment to tobacco producing farms, less a reserve not to exceed 1 percent thereof for new farms and to make corrections and adjust inequities in old farm allotments, through the national factor. The national factor is determined by dividing the

preliminary quota (the sum of quotas for old farms) into the quota determined for the MY in question (less the reserve).

Procedures will continue unchanged for (1) converting marketing quotas into acreage allotments; (2) apportioning allotments among old farms; (3) apportioning reserves for use in (a) establishing allotments for new farms, and (b) making corrections and adjusting inequities in old farm allotments; and (4) holding referenda.

**Request for Comments**

This rule proposes to amend 7 CFR part 723, subpart A to include 1997-crop national marketing quotas for fire-cured (type 21), fire-cured (types 22-23), dark air-cured (types 35-36), Virginia sun-cured (type 37), and cigar-filler and cigar-binder (types 42-44 and 53-55) tobaccos. These five kinds of tobacco account for about 4 percent of total U.S. tobacco production.

Accordingly, comments are requested concerning the establishment of the national marketing quotas for the following:

*(1) Fire-Cured (Type 21) Tobacco*

The 1997-crop national marketing quota for fire-cured (type 21) tobacco will range from 2.0 to 2.2 million pounds. This range reflects the assumption that the national acreage factor will range from 1.0 to 1.1.

*(2) Fire-Cured (Types 22-23) Tobacco*

The 1997-crop national marketing quota for fire-cured (types 22-23) tobacco will range from 40.0 to 44.0 million pounds. This range reflects the assumption that the national acreage factor will range from 1.0 to 1.1.

*(3) Dark Air-Cured (Types 35-36) Tobacco*

The 1997-crop national marketing quota for dark air-cured (types 35-36) tobacco will range from 9.0 to 9.9 million pounds. This range reflects the assumption that the national acreage factor will range from 1.0 to 1.1.

*(4) Virginia Sun-Cured (Type 37) Tobacco*

The 1997-crop national marketing quota for Virginia sun-cured (type 37) tobacco will range from 140,000 to 154,000 pounds. This range reflects the assumption that the national acreage factor will range from 1.0 to 1.1.

*(5) Cigar-Filler and Cigar-Binder (Types 42-44 and 53-55) Tobaccos*

The 1997-crop national marketing quota for cigar-filler and cigar-binder (types 42-44 and 53-55) tobaccos will range from 8.0 to 8.8 million pounds. This range reflects the assumption that the national acreage factor will range from 1.0 to 1.1.

## List of Subjects in 7 CFR Part 723

Acres allotments, Marketing quotas, Penalties, Reporting and recordkeeping requirements, Tobacco.

Accordingly, it is proposed that 7 CFR part 723, subpart A be amended as follows:

**PART 723—TOBACCO**

1. The authority citation for 7 CFR part 723 continues to read as follows:

Authority: 7 U.S.C. 1301, 1311–1314, 1314–1, 1314b, 1314b–1, 1314b–2, 1314c, 1314d, 1314e, 1314f, 1314i, 1315, 1316, 1362, 1363, 1372–75, 1421, 1445–1, and 1445–2.

2. Section 723.113 is amended by adding paragraph (e) to read as follows:

**§ 723.113 Fire-cured (type 21) tobacco.**

\* \* \* \* \*

(e) The 1997-crop national marketing quota will range from 2.0 million pounds to 2.2 million pounds.

3. Section 723.114 is amended by adding paragraph (e) to read as follows:

**§ 723.114 Fire-cured (types 22 & 23) tobacco.**

\* \* \* \* \*

(e) The 1997-crop national marketing quota will range from 40.0 million pounds to 44.0 million pounds.

4. Section 723.115 is amended by adding paragraph (e) to read as follows:

**§ 723.115 Dark air-cured (types 35–36) tobacco.**

\* \* \* \* \*

(e) The 1997-crop national marketing quota will range from 9.0 million pounds to 9.9 million pounds.

5. Section 723.116 is amended by adding paragraph (e) to read as follows:

\* \* \* \* \*

**§ 723.116 Sun-cured (type 37) tobacco.**

\* \* \* \* \*

(e) The 1997-crop national marketing quota will range from 140,000 to 154,000 pounds.

6. Section 723.117 is amended by adding paragraph (e) to read as follows:

**§ 723.117 Cigar-filler and Cigar binder (types 42–44 and 53–55) tobacco.**

\* \* \* \* \*

(e) The 1997-crop national marketing quota will range from 8.0 million pounds to 8.8 million pounds.

\* \* \* \* \*

Signed at Washington, DC, January 21, 1997.

Grant Buntrock,

Administrator, Farm Service Agency.

[FR Doc. 97–1874 Filed 1–22–97; 2:34 pm]

BILLING CODE 3410–05–P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 96–NM–175–AD]

RIN 2120–AA64

**Airworthiness Directives; Short Brothers Model SD3–30 and SD3–60 Series Airplanes Equipped with Fire Fighting Enterprises (U.K.) Ltd. Fire Extinguishers**

**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 Shorts Model SD3–30 and SD3–60 series airplanes equipped with certain fire extinguishers. This proposal would require replacement of the covers for fire extinguisher adapter assemblies that are installed on certain bulkheads with new covers that swivel to lock the extinguishers in place; and replacement of nozzles and triggers on these fire extinguishers with better fitting nozzles and stronger triggers. It also would require the installation of new fire extinguisher point placards and a revision of the Airplane Flight Manual to instruct the flight crew in the use of the new covers for these adapter assemblies. This proposal is prompted by reports that these fire extinguishers are not discharging properly because they do not fit correctly with the adapter, and that triggers on these extinguishers are failing. The actions specified by the proposed AD are intended to ensure that, in the event of fire in the baggage bay, extinguishing agent is properly distributed within this area, and portable extinguishers operate properly; and to prevent injury to crew and passengers when a portable extinguisher is discharged.

**DATES:** Comments must be received by March 7, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–175–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 Short Brothers PLC, 2011 Crystal Drive,

Suite 713, Arlington, Virginia 22202–3719. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Greg Dunn, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2799; fax (206) 227–1149.

**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 postcard on which the following statement is made: "Comments to Docket Number 96–NM–175–AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–175–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

**Discussion**

The FAA has received reports indicating that certain portable cabin fire extinguishers, manufactured by Fire Fighting Enterprises Ltd. and carried onboard all Shorts Model SD3–30 and SD3–60 series airplanes, may not work properly when installed on bulkheads separating the passenger cabin from the