

Any entity that uses APHIS' services that are subject to user fees may be affected by this rule. The entities who will be most affected by this rule are importers. The Small Business Administration's criteria for a small entity engaged in importing and exporting live animals, poultry, and birds is one whose total sales are less than \$5 million annually. However, the number of entities who specifically trade in live animals and who would qualify as a small entity under this definition cannot be determined. Data from the Bureau of Census show that in 1995 the majority of agricultural entities who dealt in grade animals can be considered small, except those entities who dealt exclusively in purebred or registered animals.

The degree to which an entity could be affected by changes in user fees depends on its market power or the ability to which costs could be absorbed or passed on to buyers. Without information on either profit margins or operational expenses of the affected entities¹ or the supply responsiveness of the affected industry,² the scale of economic effects cannot be precisely predicted.

This rule should have a minimal effect on large and small importers. As previously indicated, the total hourly user fees collected should not be significantly different from the total flat rate user fees that have been previously collected for the same services. For those entities who do experience a change in the fee amount, the economic effect should be minimal.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has not retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This final rule contains no new information collection or recordkeeping requirements under the Paperwork

¹ Profits of sales of small entities are proprietary in nature and are not a part of the public record.

² The measurement of supply responsiveness would provide information on the likely effect on an entity's production due to changes in operating costs.

Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, we are amending 9 CFR part 130 as follows:

PART 130—USER FEES

1. The authority citation for part 130 will read as follows:

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 114, 114a, 134a, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 130.7, the section heading and the introductory text in paragraph (a) are revised to read as follows:

§ 130.7 User fees for import or entry services for live animals at land border ports along the United States-Canada border.

(a) User fees, with a minimum fee of \$16.50, for live animals presented for importation into or entry into the United States through a land border port along the United States-Canada border, are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment for these user fees in accordance with §§ 130.50 and 130.51.

* * * * *

3. Section 130.9 is revised to read as follows:

§ 130.9 Hourly user fees for import or entry services.

(a) User fees for import and entry services listed in paragraphs (a)(1) through (a)(5) of this section will be calculated at \$56.00 per hour, or \$14.00 per quarter hour, with a minimum fee for \$16.50, for each employee required to perform the service. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

(1) Services provided to live animals for import or entry at airports, ocean ports, and rail ports;

(2) Conducting inspections, including laboratory and facility inspections, required to obtain permits either to import animal products, organisms and vectors, or to maintain compliance with import permits;

(3) Obtaining samples required to be tested either to obtain import permits or to ensure compliance with import permits;

(4) Supervising the opening of in-bond shipments; and

(5) Other import or entry services not specified elsewhere in this part.

(b) [Reserved]

(Approved by the Office of Management and Budget under control numbers 0579-0055 and 0579-0094)

Done in Washington, DC, this 17th day of September 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99-24817 Filed 9-22-99; 8:45 am]

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FEDERAL ELECTION COMMISSION

11 CFR Part 9034

[Notice 1999-18]

Matching Credit Card and Debit Card Contributions in Presidential Campaigns

AGENCY: Federal Election Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: On June 17, 1999, the Commission published the text of revised regulations that would allow contributions made by credit or debit card, including contributions made over the Internet, to be matched under the Presidential Primary Matching Payment Account Act. The Commission announces that these rules are effective retroactive to January 1, 1999.

EFFECTIVE DATE: January 1, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Rosemary C. Smith, Acting Assistant General Counsel, or Ms. Rita A. Reimer, Attorney, 999 E Street, NW, Washington, DC 20463, (202) 694-1650 or toll free (800) 424-9530.

SUPPLEMENTARY INFORMATION: The Commission is announcing the effective date of new regulations at 11 CFR 9034.2 and 9034.3 that allow certain contributions made by credit or debit card, including contributions made over the Internet, to be matched under the Presidential Primary Matching Payment Account Act ("Matching Payment Act"), 26 U.S.C. 9031 *et seq.* "Matchable contributions" are those which, when received by candidates who qualify for payments under the Matching Payment Act, are matched by the Federal Government.

Section 9039(c) of Title 26, United States Code, requires that any rules or regulations prescribed by the Commission to implement Title 26 of the United States Code be transmitted to the Speaker of the House of

Representatives and the President of the Senate thirty legislative days prior to final promulgation. The revisions to 11 CFR 9034.2 and 9034.3 were transmitted to Congress on June 11, 1999. Thirty legislative days expired in the Senate and the House of Representatives on September 9, 1999.

In the Explanation and Justification that accompanied the final rules, the Commission explained that, since many presidential campaigns will have engaged in substantial fundraising by the time these rules take effect, it would retroactively match credit and debit card contributions made on January 1, 1999 and thereafter. 64 FR at 32397. Accordingly, these new rules are effective retroactive to January 1, 1999.

Also, on June 10, 1999, the Commission approved Advisory Opinion ("AO") 1999-9 on this same topic, but stated that this approval would be of no effect if Congress and the President disapproved these final rules. Since this did not occur, the contingency has been removed, and AO 1999-9 is now in effect.

Announcement of Effective Date: The amendments to 11 CFR 9034.2 and 9034.3, as published at 64 FR 32394 (June 17, 1999), are effective retroactive to January 1, 1999.

Dated: September 17, 1999.

Scott E. Thomas,

Chairman, Federal Election Commission.

[FR Doc. 99-24773 Filed 9-22-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM157; Special Conditions No. 25-149-SC]

Special Conditions: Boeing Model 767-400ER; Sudden Engine Stoppage

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Boeing Model 767-400ER airplane. This airplane will have a novel or unusual design feature(s) associated with sudden engine stoppage. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

EFFECTIVE DATE: September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, FAA, Standardization Branch, ANM-113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (425)227-2011; facsimile (425)227-1149.

SUPPLEMENTARY INFORMATION:

Background

On January 14, 1997, Boeing Commercial Airplane Group applied for an amendment to Type Certificate No. A1NM to include the new Model 767-400ER. The Model 767-400ER, which is a derivative of the Model 767-200/-300 series airplanes currently approved under Type Certificate No. A1NM, is a swept wing, conventional-tail twin engine, turbofan-powered transport. The airframe has been strengthened to accommodate the increased design loads and weights. The airplane has a seating capacity of up to 375, and a maximum takeoff weight of 450,000 pounds (204,120 Kg). Each engine will be capable of delivering 62,000 pounds of thrust. The flight controls are unchanged beyond those changes deemed necessary to accommodate the stretched configuration.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Boeing must show that the Model 767-400ER airplane meets the applicable provisions of the regulations incorporated by reference in Type Certificate No. A1NM, or the applicable regulations in effect on the date of application for the change to the Model 767-400ER. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The regulations incorporated by reference in Type Certificate No. A1NM include 14 CFR part 25, as amended by Amendments 25-1 through 25-45 with a few exceptions, and certain other later amended sections of part 25 that are not relevant to these special conditions. In addition, Boeing has chosen to comply with the applicable regulations in effect on January 14, 1997; specifically part 25 as amended by Amendments 25-1 through 25-89 and certain other earlier amended sections of part 25 that are not relevant to these special conditions. Three exemptions have been granted. These special conditions form an additional part of the type certification basis.

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 Boeing Model 767-400ER airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Model 767-400ER airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34, effective September 10, 1990, plus any amendments in effect at the time of certification; and the noise certification requirements of 14 CFR part 36, effective December 1, 1969, as amended by Amendment 36-1 through the amendment in effect at the time of certification.

Special conditions, as appropriate, are issued in accordance with 14 CFR 11.49 after public notice, as required by 11.28 and 11.29(b), and become part of the type certification basis in accordance with 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of 21.101(a)(1).

Novel or Unusual Design Features

The engine proposed for the Boeing Model 767-400ER airplane will incorporate the unusual design feature of a high-bypass ratio fan jet engine that will not necessarily seize and produce transient engine loads in the same manner that is envisioned by current § 25.361(b)(1) related to "sudden engine stoppage."

Discussion of Comments

Notice of Proposed Special Conditions No. 25-99-05-SC for the Boeing Model 767-400ER airplanes was published in the **Federal Register** on May 20, 1999 (64 FR 27478). Two comments were received. One commenter objects to the proposed special condition because it allows engine support structures to be subjected to loads beyond limit loads in the event of sudden engine stoppage. The commenter further states that such a reduction in the robustness of the engine support structure without hard data to justify it is not appropriate. The FAA has reviewed the notice, and has concluded that it was not put forth in a manner that fully reflected the