

the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2000-SW-04-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from 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.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

##### **AD 2000-10-06 MD Helicopters Inc.:**

Amendment 39-11730. Docket No. 2000-SW-04-AD.

**Applicability:** Model MD900 helicopters, certificated in any category.

**Note 1:** This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise 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 request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent failure of the drive shaft due to fatigue, which could result in total loss of drive to the main rotor hub and subsequent loss of control of the helicopter; accomplish the following:

(a) Before accumulating 1,450 hours time-in-service (TIS), visually inspect the drive shaft assembly to determine which part number (P/N) is installed. If necessary, remove the drive plate cover to access the P/N located on the top edge of the drive shaft assembly. If the number of hours TIS on the drive shaft assembly is unknown, use the total hours TIS on the helicopter.

**Note 2:** Do not confuse the P/N of the drive shaft subassembly, P/N 900D2436028-101, 900D2436026-101, or 900D2436030-101 as the P/N of the drive shaft assembly.

(1) If a drive shaft assembly, P/N 900D2436530-101, is installed, no further action is required by this AD.

(2) If a drive shaft assembly other than P/N 900D2436530-101 is installed and is not marked with a P/N, before further flight, use an indelible ink fine tip marking pen to mark the following information on the edge of the drive shaft assembly in line with the engraved subassembly number:

(i) P/N 900D2436528-101 and the serial number (S/N) of the drive shaft subassembly if the subassembly is P/N 900D2436028-101. When the ink dries, apply a clear coat over the P/N and S/N, or

(ii) P/N 900D6400004-101 and the S/N of the drive shaft subassembly if the subassembly is P/N 900D2436026-101. When the ink dries, apply a clear coat over the P/N and S/N.

(b) For a drive shaft assembly with 1,450 or more hours TIS, before further flight, accomplish paragraph (a) of this AD.

**Note 3:** MD Helicopters Inc. Service Bulletin SB900-062 R1, dated December 16, 1999, applies to the subject of this AD.

(c) After accomplishing the requirements of paragraph (a) of this AD, before further flight,

determine the hours TIS of the drive shaft assembly. Record the hours TIS on a current or newly created component history card or equivalent record. If the drive shaft assembly has reached or exceeded its life limit, replace the drive shaft assembly with an airworthy drive shaft assembly before further flight.

**Note 4:** The Airworthiness Limitations Section, section 04, of the MD-900 Rotorcraft Maintenance Manual (CSP-900RMM-2), Revision 6, dated December 23, 1999, pertains to the subject of this AD.

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

**Note 5:** 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.

(e) 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.

(f) This amendment becomes effective on June 1, 2000.

Issued in Fort Worth, Texas, on May 5, 2000.

**Eric Bries,**

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 00-12353 Filed 5-16-00; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Part 19

[T.D. 00-33]

RIN 1515-AC53

#### Location of Duty-Free Stores

**AGENCY:** Customs Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Customs Regulations to conform with the provisions of the Miscellaneous Trade and Technical Corrections Act of 1999 regarding the permissible location of a duty-free store. In addition to the existing permissible locations, a duty-free store that is an airport store as defined in the law may also be located in, or within 25 statute miles of, any staffed port of entry, whether or not it is the same port through which a purchaser at the store will depart from

the Customs territory of the United States.

**EFFECTIVE DATE:** May 17, 2000.

**FOR FURTHER INFORMATION CONTACT:** William G. Rosoff, Duty and Refund Determination Branch, (202-927-2077).

**SUPPLEMENTARY INFORMATION:**

### Background

Duty-free sales enterprises, also known as duty-free stores, are Customs bonded class 9 warehouses that operate under special procedures that allow merchandise to be offered for sale to departing travelers without payment of Customs duties and taxes, on condition that the merchandise they purchase will be exported by and with them from the Customs territory of the United States. The statutory authority under which duty-free stores operate is found in 19 U.S.C. 1555(b). The regulations that implement procedures for the administration of these facilities are contained in §§ 19.35 through 19.39 of the Customs Regulations (19 CFR 19.35-19.39).

The Miscellaneous Trade and Technical Corrections Act of 1999, Pub. L. 106-36, 113 Stat. 127 (June 25, 1999) (MTTCA), amended a number of Customs laws, including the provision relating to duty-free stores (19 U.S.C. 1555(b)). Specifically, section 2417 of the MTTCA amended section 1555(b) to expand upon the places where a duty-free store could properly be located in the United States.

### Location of a Duty-Free Store; Prior Law

Section 1555(b) previously required that a duty-free store be located within the port of entry from which a purchaser of duty-free store merchandise departs from the Customs territory of the United States, or within 25 statute miles of the exit point from which the purchaser departs from the Customs territory. Section 19.35(b) repeats this requirement regarding the permissible location of a duty-free store.

### Location of a Duty-Free Store; Amended Law

Section 2417 of the MTTCA amended 19 U.S.C. 1555(b) to allow a duty-free store to be located anywhere within a staffed, Customs-defined port of entry, or within 25 statute miles of a staffed port of entry, whether or not it is the same port through which a purchaser of duty-free store merchandise will depart from the Customs territory of the United States, provided that the purchaser will depart through an international airport located in the Customs territory (19 U.S.C. 1555(b)(2)(C)). As such, the duty-

free store that is the subject of the amendment must be an airport store as defined in 19 U.S.C. 1555(b)(8)(A).

As is already the case under the law, the Customs Service, before authorizing a duty-free store at such a location, must conclude that reasonable assurance has been provided that merchandise purchased at the store will be exported from the Customs territory. To this end, a duty-free store that is an airport store must establish procedures that provide reasonable assurance that merchandise sold by the store will be exported from the Customs territory through an international airport located within the Customs territory (19 U.S.C. 1555(b)(2)(C), (3)(A) and (8)(A); 19 CFR 19.36(b); see also 19 CFR 19.36(f) and 19.39(c)).

The statutory amendment was intended to create additional opportunities for duty-free stores to increase sales by increasing the locations where international travelers departing from the United States may make duty-free store purchases.

Accordingly, § 19.35(b), Customs Regulations, is amended to conform to the statutory amendment by providing that an airport store may also be located within any staffed port of entry, or within 25 statute miles of a staffed port.

### Regulatory Flexibility Act, Executive Order 12866 and Inapplicability of Public Notice and Comment and Delayed Effective Date Requirements

Because the amendment in this final rule merely conforms the Customs Regulations to law, notice and public procedure are inapplicable and unnecessary pursuant to 5 U.S.C. 553(b)(B), and, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required. Because no notice of proposed rulemaking is required, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Nor does the amendment result in a "significant regulatory action" under E.O. 12866.

### List of Subjects in 19 CFR Part 19

Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements, Warehouses.

### Amendment to the Regulations

Part 19, Customs Regulations (19 CFR part 19), is amended as set forth below.

### PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

1. The general authority citation for part 19 and the relevant sectional

authority citation continue to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1624.

\* \* \* \* \*

Sections 19.35-19.39 also issued under 19 U.S.C. 1555;

\* \* \* \* \*

2. Section 19.35 is amended by revising paragraph (b) to read as follows:

### § 19.35 Establishment of duty-free stores (Class 9 warehouses).

\* \* \* \* \*

(b) *Location.* A duty-free store (class 9 warehouse) may be established or located only:

(1) Within the same port of entry from which a purchaser of duty-free store merchandise departs the Customs territory;

(2) Within 25 statute miles from the exit point through which a purchaser of duty-free store merchandise departs the Customs territory; or

(3) In the case of an airport store, within any staffed port of entry, or within 25 statute miles from any staffed port of entry.

\* \* \* \* \*

**Raymond W. Kelly,**

*Commissioner of Customs.*

Approved: March 30, 2000.

**John P. Simpson,**

*Deputy Assistant Secretary of the Treasury.*

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## DEPARTMENT OF THE TREASURY

### Customs Service

### 19 CFR Parts 24, 159 and 174

[T.D. 00-32]

RIN 1515-AB76

### Interest on Underpayments and Overpayments of Customs Duties, Taxes, Fees and Interest

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document adopts as a final rule interim amendments to the Customs Regulations which conformed those regulations to existing statutory provisions and judicial precedent regarding the assessment of interest due to underpayments or overpayments to Customs of duties, taxes and fees pertaining to imported merchandise, including interest on those duties, taxes and fees. The majority of the conforming