

# Proposed Rules

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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

### Office of the Secretary

#### 7 CFR Part 6

#### Withdrawal of Proposed Rule To Establish Licensing for Certain Sugar-Containing Products Under Tariff-Rate Quota

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice of withdrawal.

**SUMMARY:** This document advises the public that the proposed rule is withdrawn based on legal action by the Canadian Government which addressed the principal purposes of the proposed rule by rescinding mandated increases in Canadian exports of certain sugar containing products (SCP) packaged for retail sale.

**FOR FURTHER INFORMATION CONTACT:** Diana Wanamaker, STOP 1021, 1400 Independence Avenue, SW., Washington, DC 20250-1021, or telephone at (202) 720-1330, or e-mail at Wanamaker@fas.usda.gov.

#### SUPPLEMENTARY INFORMATION:

#### Background

##### *Proposed Rule*

The proposed rule (RIN 0551-AA-59), published in the **Federal Register** on March 17, 2000 (65 FR 14478-14484), provides for a licensing system for imports of certain SCP which enter under the tariff-rate quota (TRQ) provided for in Additional U.S. Note 8 to chapter 17 of the Harmonized Tariff Schedule of the United States (HTS). The TRQ limits certain SCP imports entered from October 1 through September 30 in any given year to 64,709,000 kilograms, of which Canada is allocated 59,250,000 kilograms. The proposed rule was published in response to U.S. industry concerns regarding mandated increases in retail packaged SCP exports required under Canada's export permit system which became effective on October 1, 1999. The Department received public comments on the proposed rule from

nearly 100 entities (e.g., importers, packers, industry associations, and government officials) on specific provisions of the proposed rule; potential effects on bulk and retail product importers and packers; and costs or unintended market consequences affecting importers, buyers, and participants in the U.S. SCP re-export program.

#### *Canada's Action*

On June 20, 2000, the Government of Canada amended its export permit system to rescind the phased increase in export permits allocated for retail packaged SCP shipments to the United States. The amendment also rescinded the Canadian Government's policy of promoting value added SCP exports by altering product availability.

In view of the remedial action taken by the Government of Canada to eliminate its market intervention measures, it is appropriate to withdraw the proposed rule.

Signed at Washington, D.C. on September 19, 2000.

**Timothy J. Galvin,**

*Administrator, Foreign Agricultural Service.*

[FR Doc. 00-24544 Filed 9-22-00; 8:45 am]

**BILLING CODE 3410-10-P**

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 457

#### Common Crop Insurance Regulations; Forage Seeding Crop Provisions

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) proposes to amend the Forage Seeding Crop Insurance Provisions. The intended effect of this proposed action is to provide policy changes to better meet the needs of the insureds and to restrict the effect of the current Forage Seeding Crop Insurance Regulations to the 2001 and prior crop years.

**DATES:** Written comments and opinions on this proposed rule will be accepted until close of business October 25, 2000, and will be considered when the rule is to be made final. The comment period for information collection under the

Paperwork Reduction Act of 1995 continues through November 24, 2000.

**ADDRESSES:** Interested persons are invited to submit written comments to the Director, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 6501 Beacon Drive, Kansas City, Mo 64133. Comments may be sent via Internet to "DIRECTOR PDD@RM.FCIC.USDA.GOV". A copy of each response will be available for public inspection and copying from 7 a.m. to 4:30 p.m., CDT, Monday through Friday except holidays, at the above address.

#### FOR FURTHER INFORMATION CONTACT:

Arden Routh, Insurance Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, at the Kansas City, MO, address listed above, telephone (816) 926-7730.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12866

This rule has been determined to be exempt for the purpose of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

#### Paperwork Reduction Act of 1995

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the collections of information for this rule have been previously approved by OMB under control number 0563-0053 through April 30, 2001.

#### Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

#### Executive Order 13132

The provisions contained in this rule will not have a substantial direct effect on States, the relationship between the

national government and the States, or on the distribution of power and responsibilities among various levels of government. Therefore, no consultation with states is required.

**Regulatory Flexibility Act**

This regulation will not have a significant economic impact on a substantial number of small entities. New provisions included in this rule will not impact small entities to a greater extent than large entities. Under the current regulations, every producer is required to complete an application and acreage report. If the crop is damaged or destroyed, the producer is required to give notice of loss and provide the necessary information to complete a claim for indemnity. This regulation does not alter those requirements. The amount of work required of the insurance companies delivering and servicing these policies will not increase significantly from the amount of work currently required. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605), and no Regulatory Flexibility Analysis was prepared.

**Federal Assistance Program**

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

**Executive Order 12372**

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

**Executive Order 12988**

This proposed rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action against FCIC for judicial review may be brought.

**Environmental Evaluation**

This action is not expected to have a significant economic impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

**Background**

FCIC proposes to amend the Common Crop Insurance Regulations (7 CFR Part 457) by amending 7 CFR 457.151 Forage Seeding Crop Insurance Provisions effective for the 2002 and succeeding crop years. The changes to provisions for insuring forage seeding are as follows:

1. Section 4—Add a new contract change date for South Dakota counties where the Special Provisions designate both fall and spring final planting dates. This allows for a separation of policies and program changes to be made to each policy in a timely manner.

2. Section 5—Add cancellation and termination dates for South Dakota counties that will be applicable when the Special Provisions designate both fall and spring final planting dates. This is necessary to allow for the separate insurance of fall and spring planted forage.

3. Section 9(g)—Add end of insurance period dates for fall and spring planted acreage in California, Colorado, Idaho, Nebraska, Nevada, Oregon, Utah and Washington. This allows forage acreage to be insured continuously with no lapse, or overlap, in coverage between the end of insurance period under the Forage Seeding Crop Provisions and the beginning of the insurance period under the Forage Production Crop Provisions.

**List of Subjects in 7 CFR Part 457**

Crop insurance, Forage seeding, Reporting and recordkeeping requirements.

**Proposed Rule**

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation proposes to amend 7 CFR part 457 as follows:

**PART 457—COMMON CROP INSURANCE REGULATIONS**

1. The authority citation for 7 CFR part 457 continues to read as follows:

**Authority:** 7 U.S.C. 1506(1), 1506(p).

2. Amend 457.151 as follows:

- a. Revise the heading.
- b. Revise the introductory text.
- c. Revise section 4 of the crop provisions.
- d. Revise section 5 of the crop provisions.
- e. Revise Section 9(g) of the crop provisions.

The revisions and additions to § 457.151 and the crop provisions read as follows:

**§ 457.151 Forage seeding crop insurance provisions.**

The Forage Seeding Crop Insurance Provisions for the 2002 and succeeding crop years are as follows:

\* \* \* \* \*

**4. Contract Changes.**

In accordance with section 4 of the Basic Provisions, the contract change date is June 30 preceding the cancellation date for counties with a September 30 cancellation date; November 30 preceding the cancellation date for counties with a March 15 cancellation date; and April 30 preceding the cancellation date for all other counties.

**5. Cancellation and Termination Dates.**

In accordance with section 2 of the Basic Provisions, the cancellation and termination dates are:

State and county	Cancellation and termination dates
California, Nevada, New Hampshire, New York, Pennsylvania and Vermont	July 31
South Dakota counties for which the Special Provisions designate both fall and spring final planting dates .....	September 30
South Dakota counties for which the Special Provisions designate only a spring final planting date, and all other states .....	March 15

\* \* \* \* \*

**9. Insurance Period.**

\* \* \* \* \*

(g) The following calendar dates:

(1) During the calendar year following the year of seeding for:

(i) Fall planted acreage in all California counties except Lassen, Modoc, Mono, Shasta and Siskiyou—November 30;

(ii) Spring planted acreage in Lassen, Modoc, Mono, Shasta and Siskiyou Counties California, Colorado, Idaho, Nebraska, Nevada, Oregon, Utah and Washington—April 14;

(iii) Spring planted acreage in all other states—May 21;

(iv) Fall planted acreage in Lassen, Modoc, Mono, Shasta and Siskiyou Counties California and all other states—October 15;

(2) During the calendar year of seeding for spring planted acreage in all California counties except Lassen, Modoc, Mono, Shasta and Siskiyou—November 30.

\* \* \* \* \*

Signed in Washington, DC on September 13, 2000.

**Kenneth D. Ackerman,**  
*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 00-24504 Filed 9-22-00; 8:45 am]

BILLING CODE 3410-08-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM175; Notice No. 25-00-02-SC]

#### Special Conditions: Boeing Model 777-200 Series Airplanes; Overhead Crew Rest Compartment

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed special conditions.

**SUMMARY:** This action proposes special conditions for Boeing Model 777-200 series airplanes, modified by Flight Structures, Inc. The proposed modification consists of the installation of a crew rest compartment located in the vicinity of door three in the overhead area of the passenger compartment. The crew rest compartment is to be certified for a maximum of ten occupants for use only during flight. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed 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.

**DATES:** Comments must be received on or before October 25, 2000.

**ADDRESSES:** Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM-114), Docket No. NM175, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. Comments must be marked: Docket No. NM175. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Jayson Claar, FAA, Transport Standards Staff, ANM-115, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, 98055-4056;

telephone (425) 227-2194; facsimile (425) 227-1320.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments, as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The proposals described in this action may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this action must include with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to NM175." The postcard will be date stamped and returned to the commenter.

##### Background

On June 25, 1999, Flight Structures Inc., 4407 172 Street NE, Arlington, Washington, 98223, applied for a supplemental type certificate to install an overhead crew rest compartment in Boeing Model 777-200 series airplanes. The Boeing Model 777-200 series airplane is a large twin-jet engine transport airplane with four pairs of Type A exits, a passenger capacity of 440, and a range of 5000 miles. The overhead crew rest compartment is a single compartment located at the door three vicinity above the main passenger compartment with eight private bunks and two seats, and is to be certified for a maximum of ten occupants. A stairwell entering from the door three aisle is the main entry. Two escape hatches are located on either side of the entryway door. These proposed special conditions are written for an overhead crew rest compartment that will be occupied only in flight, not during taxi, takeoff, or landing.

##### Type Certification Basis

Under the provisions of § 21.101, Flight Structures, Inc., must show that the Boeing Model 777-200 series airplane, as changed, continues to meet the applicable provisions of the

regulations incorporated by reference in Type Certificate No. T00001SE or the applicable regulations in effect on the date of application for the change. 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. T00001SE for the Boeing Model 777-200 series airplanes include 14 CFR part 25, as amended by Amendments 25-1 through 25-82. The U.S. type certification basis for the Boeing Model 777-200 series airplanes is established in accordance with 14 CFR 21.29 and 21.17 and the type certification application date. The type certification basis is listed in Type Certificate Data Sheet No. T00001SE.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, part 25) do not contain adequate or appropriate safety standards for the Model 777-200 series airplanes 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, Boeing Model 777-200 series airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

Special conditions, as appropriate, are issued in accordance with § 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 applicant apply for a supplemental type certificate to modify any other model included on the same type certificate 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

While the installation of a crew rest compartment is not a new concept for large transport category airplanes, each compartment design has unique features by virtue of its design, location, and use on the airplane. Previously, crew rest compartments have been evaluated that are installed within the main passenger compartment area of the Boeing Model 777-200 and Model 777-300 series airplanes; other crew rest compartments have been installed below the passenger cabin area, within the cargo compartment. Similar overhead crew rest compartments have also been