reporting and recordkeeping burdens are necessary for compliance purposes and for developing statistical data for maintenance of the program. The requirements are the same as those applied in past seasons. Thus, this action will not impose any additional reporting or recordkeeping burdens on either small or large handlers. The forms require information which is readily available from handler records and which can be provided without data processing equipment or trained statistical staff. The information collection and recordkeeping requirements have been previously approved by the Office of Management and Budget (OMB) under OMB Control No. 0581–0178. As with other similar marketing order programs, reports and forms are periodically studied to reduce or eliminate duplicate information collection burdens by industry and public sector agencies. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule. Finally, interested persons are invited to submit information on the regulatory and informational impact of this action on small businesses.

Further, Committee and subcommittee meetings are widely publicized in advance and are held in a location central to the production area. The meetings are open to all industry members, including small business entities, and other interested persons who are encouraged to participate in the deliberations and voice their opinions on topics under discussion.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

This rule invites comments for a 30-day period on the establishment of final volume regulation percentages for 2000–01 crop Natural and Zante raisins covered under the order. Thirty days is deemed appropriate because handlers are currently marketing their 2000–01 crop Natural and Zante raisins and this action should be taken promptly to achieve the intended purpose of making the full trade demands available to handlers. All comments received within the comment period will be considered prior to finalization of this rule.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The relevant provisions of this part require that the percentages designated herein for the 2000–01 crop year apply to all Natural and Zante raisins acquired from the beginning of that crop year; (2) handlers are currently marketing their 2000–01 crop Natural and Zante raisins and this action should be taken promptly to achieve the intended purpose of making the full trade demands available to handlers; (3) handlers are aware of this action, which was unanimously recommended at a public meeting, and need no additional time to comply with these percentages; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is amended to read as followed:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 989.254 is added to Subpart—Supplementary Regulations to read as follows:

Note: This section will not appear in the annual Code of Federal Regulations.

§ 989.254 Final free and reserve percentages for the 2000–01 crop year.

The final percentages for standard Natural (sun-dried) Seedless and Zante Currant raisins acquired by handlers during the crop year beginning on August 1, 2000, which shall be free tonnage and reserve tonnage, respectively, are designated as follows:

Varietal type	Free percentage	Reserve percentage
Natural (sun-dried) Seedless	53	47
Zante Currant	83	17

Dated: July 27, 2001.

Barry L. Carpenter,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–19263 Filed 7–30–01; 10:06 am]

BILLING CODE 3410–02–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 130

[Docket No. 99–060–2]

Veterinary Services User Fees; Fees for Permit Applications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the user fees for processing applications for permits to import and transport certain animal products, organisms, vectors, and germ plasm. We are also establishing new user fees that would pay the cost of processing applications to import live animals. We are taking this action in order to ensure that we recover our costs.

EFFECTIVE DATE: August 31, 2001.

FOR FURTHER INFORMATION CONTACT: For information concerning program operations for Veterinary Services, contact Ms. Inez Hockaday, Acting Director, Management Support Staff, VS, APHIS, 4700 River Road Unit 44,

Riverdale, MD 20737–1231; (301) 734–7517.

For information concerning rate development of the amended user fees, contact Mrs. Kris Caraher, Accountant, Financial Systems and Services Branch, Financial Management Division, MRPBS, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737–1232; (301) 734–8351.

SUPPLEMENTARY INFORMATION:

Background

User fees to reimburse the Animal and Plant Health Inspection Service (APHIS) for the costs of providing veterinary diagnostic services and import-and export-related services for live animals and birds and animal products are contained in 9 CFR part 130. Section 130.8 lists miscellaneous flat rate user fees.

On November 13, 2000, we published in the **Federal Register** (65 FR 67657–67663, Docket No. 99–060–1) a proposal to amend existing user fees for processing applications for permits to import and transport certain animal products, organisms, vectors, and germ plasm. In that document, we also proposed to establish new user fees that would pay the cost of processing applications to import live animals.

We solicited comments concerning our proposal for 60 days ending January 12, 2001. We did not receive any comments. Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule, without change.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 604, we have performed a final regulatory flexibility analysis, which is set out below, regarding the economic effects of this rule on small entities.

We are amending the user fees for processing applications for permits to import and transport certain animal products, organisms, vectors, and germ plasm. We are also establishing new user fees that will pay the cost of processing applications to import live animals. We are taking this action in order to ensure that we recover our costs.

In our proposed rule, we specifically solicited comments concerning the potential economic effects of the proposed fee increases and new fees. As noted previously, we did not receive any comments in response to our proposed rule.

User Fees for the Importation of Germ Plasm

Prior to the effective date of this rule, APHIS charged a fee of $55 for processing applications to import germ plasm. This rule replaces that single fee with two separate fees: One for processing initial applications for permits, and one for processing amended applications. The fee for processing each new permit application is $94, and the fee for processing each amended permit application is $47.

In fiscal year (FY) 1999, APHIS processed 448 applications for permits to import germ plasm (semen and embryos), generating total revenues of $17,696. We estimate that 90 of those applications were amended applications, and the rest were new applications.

Had the amended fee schedule been in effect during FY 1999[1], APHIS would have generated approximately $37,882 from processing those applications, an increase of $20,186 over actual revenues for that year. Further, as a result of increased world trade, it is likely that APHIS'' annual revenues from processing product applications will increase over time.

The number of different entities that submitted applications in FY 1999 and the number of applications submitted by each are not available. However, because approximately 90 entities submitted amended applications during the year, we know that the number of different entities is significantly less than the total application count of 448. The economic effect on individual entities will vary, depending on the size of the entity and the number of permits required. For an entity that requires only a few permits each year, as is likely to be the case with the smaller entities that are affected, the amended fees are not likely to have a significant economic impact. However, an entity that is large enough to require a large number of permits is also likely to be large enough to easily absorb the increased fees.

User Fees for Processing Applications for Permits To Import Animal Products

APHIS charges applicants a fee for processing their applications for permits to import animal products (including byproducts, organisms, and vectors). The fees vary, depending on such factors as the type of application and the type of product. The following table shows the scheduled user fees prior to this final rule and the amended user fees:

Service	Previously scheduled user fees				Amended user fee
	Oct. 1, 2000–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003	Beginning with effective date of this rule
Processing a permit application to import fetal bovine serum when inspection of a facility is required.	$283.00 per application.	$292.00 per application.	$300.00 per application.	$309.00 per application.	$322.00 per application
Processing an initial permit application to import certain animal products or import or transport organisms or vectors.	36.00 per application.	37.00 per application.	38.00 per application.	39.00 per application.	94.00 per application
Processing an amended permit application to import certain animal products or import or transport organisms or vectors.	15.00 per amended application.	15.00 per amended application.	16.00 per amended application.	16.00 per amended application.	47.00 per amended application
Processing a renewed permit application to import certain animal products or import or transport organisms or vectors.	19.00 per application.	20.00 per application.	21.00 per application.	21.00 per application.	61.00 per application

[1] For FY 1999, fees for processing applications for permits to import germ plasm were set at $39.50. Data on fee receipts based on currently scheduled fees, which were effective October 1, 2000, are not available.

Under this final rule, all fees will be increased from their current levels. The amended fee amounts were calculated to allow APHIS to recover the full costs of processing the applications. The previously scheduled fees do not allow for full cost recovery, especially given the additional staffing needed to provide applicants with a quick turnaround of their permit requests.

In FY 1999, APHIS processed 2,575 applications for permits to import animal products. Of that total, 2 were fetal bovine serum (with facility inspection) applications, 856 were initial applications to import animal products or import or transport organisms or vectors, 241 were amended applications, and 1,476 were renewed applications.

APHIS generated revenues of $48,868.50 from processing the 2,575 applications in FY 1999.[2] Had the amended fee schedule been in effect during FY 1999, APHIS would have generated $182,351 from processing those applications, an increase of $133,482.50 over actual revenues for that year. Further, as a result of increased world trade, it is likely that APHIS' annual revenues from processing animal product permit applications will increase over time.

The number of different entities that submitted applications in FY 1999 and the number of applications submitted by each are not available. However, because 241 entities submitted amended applications and 1,476 entities submitted renewed applications during the year, we know that the number of different entities is significantly less than the total application count of 2,575. The economic effect on individual entities will vary, depending on the size of the entity and the number of permits required. For an entity that requires only a few permits each year, as is likely to be the case with the smaller entities that are affected, the amended fees are not likely to have a significant economic impact. However, an entity that is large enough to require a large number of permits is also likely to be large enough to easily absorb the increased fees.

User Fees for Processing Applications for Permits To Import Animals

Under APHIS' regulations, importers must, under certain circumstances, apply for and obtain an import permit from the agency prior to importing live animals.[3] Prior to the effective date of this rule, APHIS has not charged applicants a fee for processing their permit applications.

Under this final rule, APHIS will charge applicants $94 for each new application and $47 for each amended application to import live animals. This final rule is intended to shift the cost of processing the applications from the general taxpayer (via appropriated funds) to the users of those services, i.e., the permit applicants. This final rule also removes an existing inequity, since, prior to this final rule, APHIS charged applicants a fee for processing their applications for permits to import animal products and germ plasm, but has not charged applicants a fee for processing applications for permits to import live animals.

In FY 1999, APHIS processed approximately 9,000 applications for permits to import animals. Of that total, approximately 7,500 were initial applications and 1,500 were amended applications. Had the amended fee schedule been in effect during FY 1999, APHIS would have generated additional revenues of $775,500 from processing those applications. Further, as a result of increased world trade, it is likely that APHIS' annual revenues from processing applications for permits to import live animals will increase over time.

The number of different entities that submitted applications in FY 1999 and the number of applications submitted by each are not available. However, because some entities submitted amended applications and some entities submitted more than one new application during the year, we know that the number of different entities is less than the total application count of 9,000.

Data on the types of entities who submit applications are not available, but those entities are believed to be varied, and include breeders, commercial researchers, universities, zoos, and private individuals. At least some of the commercial entity applicants are believed to be brokers acting on behalf of their client customers. Even though they do not submit permit applications to APHIS, the client customers of brokers are likely to be affected by this rule, since the application fees incurred by the brokers are likely to be passed on to them. The economic effect on individual entities will vary, depending on the size of the entity and the number of permits required. For an entity that requires only a few permits each year, as is likely to be the case with the smaller entities that are affected, the new user fees are not likely to have a significant economic effect. However, an entity that is large enough to require a large number of permits is also likely to be large enough to easily absorb the increased fees.

Effects on Small Entities

The Regulatory Flexibility Act requires that agencies consider the economic effects of their rules on small entities, i.e., small businesses, organizations, and governmental jurisdictions. The changes discussed above will affect those entities in the United States that import live animals, animal products, and germ plasm. They will be affected because they will have to pay new fees, or higher fees, to have APHIS process their permit applications.

The types of entities that may be affected vary widely, and include breeders, commercial researchers, universities, zoos, and private individuals. At least some of the commercial entities are likely to be brokers acting on behalf of their client customers. Even though they themselves do not submit permit applications to APHIS, the client customers of brokers will be affected by this final rule if the increased fees incurred by the brokers are passed on to them.

The number of different entities that will be affected by this final rule and the extent of the economic effects on each are unknown. In FY 1999, APHIS processed approximately 12,023 live animal, animal product, and germ plasm permit applications, but that figure overstates the number of affected entities because some entities submitted more than 1 application during the year. Furthermore, the total application count of 12,023 includes an unknown number of private individuals in the United States who import live animals, animal products, or germ plasm for nonbusiness reasons. These private individuals are not ''entities'' for purposes of this regulatory flexibility analysis.

It is reasonable to assume that most businesses affected by this final rule are small in size. This is because most U.S. businesses in general are small, based on the standards of the U.S. Small Business Administration (SBA). In 1996, for example, there were 1,197 U.S. firms in SIC 0751, a classification comprised of firms primarily engaged in performing certain services, including breeding, for cattle, hogs, sheep, goats, and poultry. Of those 1,197 firms, 97 percent had less than $5 million in sales

[2] The revenues collected in FY 1999 are based on collections of the fees that were in place during FY 1999.

[3] Whether or not an importer is required to obtain a permit from APHIS depends on several factors, including the type of animal to be imported and the country of export. The rules are designed to protect the health of the U.S. animal population, since such imports may pose a risk of introducing animal diseases.

that year, the SBA's small entity threshold. Similarly, in 1996, there were 7,408 U.S. firms in SIC 0752, a classification comprised of firms primarily engaged in performing certain services for pets, equines, and other animal specialties, including breeding services. Of those 7,408 firms, over 99 percent had less than $5 million in sales that year, the SBA's small entity threshold for firms in that SIC category. Accordingly, most of the businesses affected by this rule are likely to be small in size.

The economic effect on individual entities will vary, depending on the number of permits required by each. For an entity that requires only a few permits each year, as is likely to be the case with the smaller entities that are affected, the amended fees are not likely to have a significant economic effect. For an entity that submits five new live animal applications per year, the additional annual cost will be $470.

Further, we believe that in most cases, the cost of applying for a permit will be minimal in contrast to the value of the products or animals being imported. For instance, animals can range in value from less than $150 to well over $10,000. It is common for importers to group large amounts of less expensive animals together for a single importation, while more valuable animals may be imported alone. In either case, the cost of applying for a permit is expected to be minimal in comparison to the total value of the animals being imported.

This rule contains various recordkeeping requirements, which were described in our proposed rule, and which have been approved by the Office of Management and Budget (see ''Paperwork Reduction Act'' below).

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 no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0167 .

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 continues to 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 371.4.

2. Section 130.4 is added to read as follows:

§ 130.4 User fees for processing import permit applications.

User fees for processing applications for permits to import certain animals and animal products (using VS forms 16–3 and 17–129) are listed in the table in this section. 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. The table follows:

Service	Unit	User fee			
		August 31, 2001–Sept. 30, 2001	Oct. 1, 2001–Sept. 30, 2002	Oct. 1, 2002–Sept. 30, 2003	Beginning Oct. 1, 2003
1. Import compliance assistance:					
i. Simple (2 hours or less)	Per release	$64.00	$66.00	$68.00	$70.00
ii. Complicated (more than 2 hours)	Per release	164.00	169.00	174.00	180.00
2. Processing an application for a Permit to import live animals, animal products or byproducts, organisms, vectors, or germ plasm (embryos or semen) or to transport organisms or vectors[1].					
i. Initial Permit	Per application	94.00	94.00	94.00	94.00
ii. Amended Permit	Per amended application	47.00	47.00	47.00	47.00
iii. Renewed Permit[2]	Per application	61.00	61.00	61.00	61.00
3. Processing an application for a Permit to import fetal bovine serum when facility inspection is required.	Per application	322.00	322.00	322.00	322.00

[1] Using Veterinary Services Form 16–3, ''Application for Permit to Import or Transport Controlled Material or Organisms or Vectors,'' or Form 17–129, ''Application for Import or In Transit Permit (Animals, Animal Semen, Animal Embryos, Birds, Poultry, or Hatching Eggs).''

[2] Permits to import germ plasm and live animals are not renewable.

3. In § 130.8(a), the table is amended by removing the entries for ''Germ plasm being imported'' (including footnote 2), ''Import compliance assistance'', and ''Processing VS Form 16–3''.

Done in Washington, DC, this 26th day of July 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–19182 Filed 7–31–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–230–AD; Amendment 39–12348; AD 2001–15–14]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A330 and A340 series airplanes, that requires installation of a retainer device on the attachment pin of the brake torque rod of the main landing gear (MLG). The actions specified by this AD are intended to prevent the attachment pin from fully migrating from the brake torque rod and to prevent the collar from detaching from the MLG; these conditions could result in loss of braking on two wheels and the inability to extend the MLG. This action is intended to address the identified unsafe condition.

DATES: Effective September 5, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 5, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A330 and A340 series airplanes was published in the **Federal Register** on April 30, 2001 (66 FR 21294). That action proposed to require installation of a retainer device on the attachment pin of the brake torque rod of the main landing gear (MLG).

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 7 Airbus Model A330 series airplanes of U.S. registry will be affected by this AD (there are no Airbus Model A340 series airplanes currently registered in the U.S.), that it will take approximately 4 work hours per airplane to accomplish the required retainer installation, and that the average labor rate is $60 per work hour. There will be no charge for required parts. Based on these figures, the cost impact of the retainer installation required by this AD on U.S. operators is estimated to be $1,680, or $240 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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, Incorporation by reference, 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 the following new airworthiness directive:

2001–15–14 Airbus Industrie: Amendment 39–12348. Docket 2000 NM–230 AD.

Applicability: Model A330 and A340 series airplanes, certificated in any category; except those on which Airbus Modification 47917 (Airbus Service Bulletin A330–32–3119 or A340–32–4157) has been incorporated in production.

Note 1: This AD applies to each airplane 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 airplanes 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 (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by