Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR part 21, §§ 21.16 and 21.17; and 14 CFR part 11, §§ 11.28 and 11.49.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Raytheon Aircraft Company Model 390 airplane.

1. *Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF).* Each system that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions, are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies: *Critical Functions:* Functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on December 11, 1998.

Michael K. Dahl,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–34162 Filed 12–24–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 24

[T.D. 99–1]

RIN 1515–AC39

Exemption of Israeli Products from Certain Customs User Fees

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to reflect that products of Israel are no longer subject to the merchandise processing fees assessed on imported goods under 19 U.S.C. 58c(a)(9) and (10). This amendment results from publication of a determination by the United States Trade Representative under section 112 of the Customs and Trade Act of 1990 that the Government of Israel has provided reciprocal concessions. The exemption applies to Israeli products entered, or withdrawn from warehouse for consumption, on or after September 16, 1998.

EFFECTIVE DATE: December 28, 1998.

FOR FURTHER INFORMATION CONTACT: William G. Rosoff, Office of Regulations and Rulings (202–927–2077).

SUPPLEMENTARY INFORMATION:

Background

Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (codified at 19 U.S.C. 58c and hereinafter referred to as the COBRA provision), provides for the collection of various fees for providing Customs services in connection with the arrival of vessels, vehicles, railroad cars, aircraft, passengers and dutiable mail, in connection with the entry or release of merchandise, and in connection with Customs broker permits. The fees pertaining to the entry or release of merchandise are set forth in subsections (a)(9) and (10) of the COBRA provision (19 U.S.C. 58c(a)(9) and (10)) and include an ad valorem fee for each formal entry or release (subject to specific maximum and minimum limits), a surcharge for each manual entry or release, and specific fees for three types of informal entry or release.

Subsection (b)(11) of the COBRA provision (19 U.S.C. 58c(b)(11)) provides that no fee may be charged under subsection (a)(9) or (10) with respect to products of Israel if an exemption with respect to the fee is implemented under section 112 of the Customs and Trade Act of 1990 (the Trade Act, Pub. L. 101–382). Section 112 of the Trade Act provides that, if the United States Trade Representative determines that the Government of Israel has provided reciprocal concessions in exchange for the exemption of products of Israel from the fees imposed under subsections (a)(9) and (10) of the COBRA provision, such fees may not be charged with respect to any product of Israel that is entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date on which the determination is published in the **Federal Register**.

Regulations implementing the COBRA provision regarding merchandise processing fees are contained in § 24.23 of the Customs Regulations (19 CFR 24.23). When § 24.23 was amended in 1991 to, among other things, reflect the changes to the COBRA provision made by the Trade Act (see T.D. 91–33, published in the **Federal Register** at 56 FR 15036 on April 15, 1991, and T.D. 91–95, published in the **Federal Register** at 56 FR 63648 on December 5, 1991), no determination under section 112 of the Trade Act had been published by the United States Trade Representative. Accordingly, the revised text of § 24.23 included, in paragraph (c)(5), a general statement as to the nonapplicability of the merchandise processing fees under the circumstances described in section 112 of the Trade Act, but without any indication of a specific effective date because the conditions set forth in the statute had not yet been met.

On September 1, 1998, the Office of the United States Trade Representative published a notice in the **Federal Register** (63 FR 46496) stating that the United States Trade Representative has determined that the Government of Israel has provided reciprocal concessions for purposes of section 112 of the Trade Act. Accordingly, the notice stated that pursuant to section 112 of the Trade Act and 19 U.S.C. 58c(b)(11), any product of Israel that is entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of publication of that notice will not be charged the fees imposed under 19 U.S.C. 58c(a)(9) and (10).

Paragraph (c)(5) was drafted and included in § 24.23 in general, self-executing terms in order to allow for the future publication of a determination under section 112 of the Trade Act, and for operational implementation thereof by Customs, without having to amend the regulatory text. Nevertheless, for purposes of clarity and in order to provide the most complete information to the public, Customs believes that it would be preferable to amend the regulatory text to reflect the specific date on which the exemption took effect, that is, September 16, 1998.

Inapplicability of Public Notice and Comment and Delayed Effective Date Requirements

Pursuant to the provisions of 5 U.S.C. 553(b)(B), Customs has determined that prior public notice and comment procedures on this regulation are unnecessary and contrary to the public interest. The regulatory change conforms the Customs Regulations to the terms of a statutory provision that is already in effect. In addition, the regulatory change benefits the public by providing specific information regarding the right to an exemption from the payment of certain import fees. For the same reasons, pursuant to the provisions of 5 U.S.C. 553(d)(1) and (3), Customs finds that there is good cause

for dispensing with a delayed effective date.

Executive Order 12866

This document does not meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Drafting Information

The principal author of this document was Francis W. Foote, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 24

Accounting, Claims, Customs duties and inspection, Taxes, User fees, Wages.

Amendment to the Regulations

For the reasons stated in the preamble, part 24 of the Customs Regulations (19 CFR Part 24) is amended as set forth below.

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. The authority citation for part 24 continues to read in part as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58a–58c, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1450, 1624; 31 U.S.C. 9701.

* * * * *

§ 24.33 [Amended]

2. In § 24.23, paragraph (c)(5) is amended by removing the words ''the effective date of a determination made under section 112 of the Customs and Trade Act of 1990'' and adding, in their place, the words ''September 16, 1998 (the effective date of a determination published in the **Federal Register** on September 1, 1998, under section 112 of the Customs and Trade Act of 1990)''.

Approved: November 18, 1998.

Raymond W. Kelly,

Commissioner of Customs.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 98–34334 Filed 12–24–98; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 401 and 402

[Docket No. FR–4298–C–05]

RIN 2502–AH09

Multifamily Housing Mortgage and Housing Assistance Restructuring Program (Mark-to-Market) and Renewal of Expiring Section 8 Project-Based Assistance Contracts; Technical Corrections

AGENCY: Office of the Secretary, HUD.

ACTION: Interim rule; technical corrections.

SUMMARY: On September 11, 1998, HUD published an interim rule implementing the Mark-to-Market Program and the statutory provisions for renewals of section 8 project-based assistance contracts expiring in Fiscal Year 1999 or later. On October 15, 1998, HUD published a first correction to the interim rule to correct the Internet address given for submitting public comments. This second correction to the interim rule addresses additional matters that were in error when the interim rule was published and in need of correction. This document also corrects one provision of the interim rule as well as preamble language that needs correction because of a change in authorizing legislation since issuance of the interim rule.

EFFECTIVE DATE: December 28, 1998.

FOR FURTHER INFORMATION CONTACT: Dan Sullivan, Department of Housing and Urban Development, 451 7th St., Washington DC 20410. Telephone: 202–708–3555. (This is not a toll-free number.) For hearing- and speech-impaired persons, this number may be accessed via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On September 11, 1998 (63 FR 48926), HUD published an interim rule implementing the Mark-to-Market Program and the statutory provisions for renewals of section 8 project-based assistance contracts expiring in Fiscal Year 1999 or later. The purpose of this program is to preserve low-income rental housing affordability while reducing the long-term costs of Federal rental assistance, including project-based assistance, and minimizing the adverse effect on the FHA insurance funds. The program is authorized by the Multifamily Assisted Housing Reform and Affordability Act of 1997, title V of Pub. L. 105–65 (approved October 27, 1997) (MAHRA).

Corrections Based on Original Legislation (MAHRA)

HUD is making the following corrections based on the MAHRA:

- Several changes are made to the preamble and the rule to eliminate conflicts between the preamble description of the rule and the actual rule text (see corrections 2, 3, and 24).
- Several erroneous or incomplete cross-references in the preamble and the interim rule are corrected (see corrections 3, 7, 12, 17, 19, 20, 21, 22, 25, and 28).
- Repetitive or erroneous extraneous language is removed in various places in the preamble and the interim rule text to provide simplicity and clarity (see corrections 5, 6, 8, 10, and 13).
- One incorrect date in the rule text is corrected (see correction 16).

Corrections Based on Recent Legislation (Pub. L. 105–276)

In addition to the corrections described above, other provisions of the interim rule, although correct when published, now require correction because of the subsequent enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Pub.L. 105–276 (approved October 21, 1998). Section 597(a)(2) of Pub.L. 105–276 amended MAHRA to change the required methodology for determining restructured rents for certain section 8 moderate rehabilitation projects under the Mark-to-Market Program. This statutory change therefore requires a corresponding change to § 402.5(b)(3) of the interim rule and the applicable preamble discussion. We have made this correction (see corrections 13 and 27).

In the preamble to the interim rule, HUD referred to one pending provision of MAHRA which ultimately was not included in Pub.L. 105–276. The pending provision would have amended section 515(h) of MAHRA to limit the exclusion of projects with State or local primary financing from the Mark-to-Market program. We have corrected the preamble by removing the two sentences that contained reference to the pending provision (see correction 1).

Other relevant provisions of the Pub.L. 105–276 will require corrective rule changes in the future. These changes, however, are not appropriate for a technical correction. Those provisions are as follows.

1. Section 549(a) and (b) of Pub.L. 105–276 removed the requirement of section 8(c)(8) of the United States Housing Act of 1937 (''the 1937 Act'') for owner notice to tenants of rent