

# 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

### Agricultural Marketing Service

#### 7 CFR Part 75

[Docket Number LS-99-06]

#### Increase in Fees for Federal Seed Testing and Certification Services

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Agricultural Marketing Service (AMS) proposes to increase the hourly fee rate charged for voluntary Federal seed testing and certification services. The fee rate needs to be increased to cover increases in salaries of Federal employees, rent, supplies, replacement equipment, and other increased Agency costs.

**DATES:** Comments must be received on or before December 28, 1999.

**ADDRESSES:** Send written comments to Richard C. Payne, Acting Chief, Seed Regulatory and Testing Branch, Livestock and Seed Program, AMS, USDA; Building 306, Room 209, BARC-East; Beltsville, MD 20705-2325. Comments may be faxed to (301) 504-8098.

State that your comments refer to Docket No. LS-99-06 and note the date and page number of this issue of the **Federal Register**.

Comments received may be inspected at the above location between 8:00 a.m. and 4:30 p.m., Eastern Time, Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Richard C. Payne, Acting Chief, Seed Regulatory and Testing (SRT) Branch, (301) 504-9430.

#### SUPPLEMENTARY INFORMATION:

##### A. Executive Order 12866

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

##### B. Regulatory Flexibility Act

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the AMS has considered the economic impact of this action on small entities. It is determined that its provisions would not have a significant economic impact on a substantial number of small entities.

The AMS provides, under the authority of the Agricultural Marketing Act (AMA) of 1946, a voluntary, user-fee funded seed testing and certification service to approximately 65 businesses per year. Many of the users of the testing and certification services would be considered small businesses under the criteria established by the Small Business Administration (13 CFR 121.601). Over ninety percent of the samples tested in this program represent seed and grain scheduled for export. Grain is examined for the presence of specified weed and crop seeds upon request of the Department's Grain Inspection, Packers and Stockyards Administration. A Federal Seed Analysis Certificate, containing purity, germination, noxious-weed seed examination, and other test results is issued upon completion of the testing. The Federal Seed Analysis Certificate is required documentation for shipments of seed and grain from the United States entering certain countries.

The AMS regularly reviews its user fee financed programs to determine if the fees are adequate. The most recent review determined that the existing fee schedule will not generate sufficient revenues to cover program costs while maintaining an adequate reserve balance. Without a fee increase, FY 2000 revenues for seed testing and certification services are projected at \$104,000, costs are projected at \$108,000, and the trust fund balance would be \$78,000. With a fee increase, FY 2000 revenues are projected at \$114,000, costs are projected at \$113,000, and the trust fund balance would be \$83,000.

This action would raise the hourly rate charged to users of the seed testing and certification services. The AMS estimates that this proposed rule would yield an additional \$10,000 during FY 2000. The hourly rate for seed testing and certification services would increase by approximately 9.9 percent. The costs to entities will be proportional to their use of the service, so that costs

are shared equitably by all users. The increase in costs to individual firms would be, on average, approximately \$6.70 per Federal Seed Analysis Certificate issued. There would also be an increase of \$1.10 for each duplicate certificate issued.

##### C. Civil Justice Reform

This action has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule.

##### D. Paperwork Reduction Act

The information collection requirements that appear in Part 75 of the regulations have been previously approved by OMB and assigned OMB Control Number 0581-0140 under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

##### Background and Proposed Changes

The Secretary of Agriculture is authorized by the AMA of 1946, as amended, 7 U.S.C. 1621 *et seq.*, to provide voluntary Federal seed testing and certification services to facilitate the orderly marketing of seed and grain and to enable consumers to obtain the quality of seed and grain they desire. The AMA provides that reasonable fees be collected from users of the program services to cover, as nearly as practicable, the costs of services rendered.

The AMS regularly reviews programs to determine if fees are adequate and if costs are reasonable. This action would increase the hourly fee rate and charges for voluntary seed testing and certification services provided to the seed and grain industries to reflect the costs currently associated with providing the services.

A recent review of the current hourly fee rate, effective October 1, 1998, revealed that anticipated revenue will not cover increased program costs. Without a fee increase FY 2000 revenues for seed testing and certification services are projected at \$104,000, costs are projected at \$108,000, and the trust fund balance would be \$78,000. With a fee increase,

FY 2000 revenues are projected at \$114,000, costs are projected at \$113,000, and the trust fund balance would be \$83,000.

The hourly fee for service is established by distributing the projected annual program operating costs over the estimated hours of service—revenue hours—provided to users of the service. Revenue hours include the time spent conducting tests, keeping sample logs, preparing Federal Seed Analysis Certificates and storing samples. As program operating costs continue to rise, the hourly fees must be adjusted to enable the program to remain financially self-supporting as required by law. Program operating costs include salaries and fringe benefits of seed analysts, supervision, training, and all administrative costs of operating the program.

Employee salaries and benefits account for approximately 90 percent of the total budget. A general and locality salary increase of 3.68 percent for Federal employees involved in the seed testing and certification service became effective in January 1999 and has materially affected program costs. Another general and locality salary increase estimated at 4.8 percent is expected in January 2000.

This proposed fee increase is necessary to offset increased program operating costs resulting from: (1) Salary increases for all Federal employees for 1999 and projected increases in 2000, (2) increases in rent, (3) increases in costs of supplies needed for testing samples, and (4) purchases of replacement equipment needed to provide the service.

In view of these increases in costs, the Agency is proposing to increase the hourly rate charged to applicants for the service, including the issuance of Federal Seed Analysis Certificates from \$40.40 to \$44.40. The fee for issuing additional duplicate certificates would increase from \$10.10 to \$11.10.

The proposed action will fully recover all costs associated with providing the voluntary testing service to the seed and grain industry. Although the proposed user-fee increase would increase costs to individual firms, the cost for providing the seed testing and certification services would increase by an average of only \$6.70 per Federal Seed Analysis Certificate and \$1.10 for each duplicate certificate. It is estimated that the total revenue generated will increase by approximately \$10,000 annually.

#### List of Subjects in 7 CFR Part 75

Administrative practice and procedure, Agricultural commodities,

Reporting and recordkeeping requirements, Seeds, Vegetables.

For the reasons set forth in the preamble, 7 CFR part 75 is proposed to be amended as follows:

#### PART 75—REGULATIONS FOR INSPECTION AND CERTIFICATION OF QUALITY OF AGRICULTURAL AND VEGETABLE SEEDS

1. The authority citation for part 75 continues to read as follows:

**Authority:** 7 U.S.C. 1622 and 1624

##### § 75.41 [Amended]

2. In § 75.41, “\$40.40” is removed and “\$44.40” is added in its place.

##### § 75.47 [Amended]

3. In § 75.47, “\$10.10” is removed and “\$11.10” is added in its place.

Dated: October 26, 1999.

**Barry L. Carpenter,**

*Deputy Administrator, Livestock and Seed Program.*

[FR Doc. 99-28374 Filed 10-28-99; 8:45 am]

BILLING CODE 3410-02-P

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 39

[Docket No. 98-CE-88-AD]

RIN 2120-AA64

##### Airworthiness Directives; Bob Fields Aerocessories Inflatable Door Seals

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to revise Airworthiness Directive (AD) 98-21-21, which currently requires deactivating the electric door seal inflation system for all aircraft equipped with Bob Fields Aerocessories inflatable door seals. Since issuance of that AD, the manufacturer has developed a modification that would allow these electric door seal inflation systems to remain in service, and the Federal Aviation Administration (FAA) has approved this modification. The proposed AD would incorporate this modification as a method of complying with the current AD, and would exclude those airplanes with manual door seal inflation systems from the AD requirements of deactivating the system. The actions specified by the proposed AD are intended to prevent smoke and a possible fire in the cockpit

caused by overheating of the electric door seal inflation systems, which could result in passenger injury.

**DATES:** Comments must be received on or before December 23, 1999.

**ADDRESSES:** Submit comments in triplicate to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-88-AD, Room 506, 901 Locust, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Bob Fields Aerocessories, 340 East Santa Maria St., Santa Paula, California 93060; telephone: (805) 525-6236; facsimile: (805) 525-5286. This information also may be examined at the Rules Docket at the address above.

##### FOR FURTHER INFORMATION CONTACT:

George Y. Mabuni, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone: (562) 627-5341; facsimile: (562) 627-5210.

##### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket No. 98-CE-88-AD.” The postcard will be date stamped and returned to the commenter.