

## PART 1717—POST-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

4. The authority citation for part 1717 is revised to read as follows:

**Authority:** 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

5. Revise § 1717.615(f)(2) to read as follows:

### § 1717.615 Consolidations and mergers.

\* \* \* \*

(f) \* \* \*

(2) A pro forma TIER of not less than 1.25 and a pro forma DSC of not less than for each of the two preceding calendar years; and

\* \* \* \*

6. Revise § 1717.616(b) to read as follows:

### § 1717.616 Sale, lease, or transfer of capital assets.

\* \* \* \*

(b) In the most recent year for which data are available, the borrower achieved a TIER of at least 1.25, DSC of at least 1.25, OTIER of at least 1.1, and ODSC of at least 1.1 in each case based on the average or the best 2 out of the 3 most recent years.

\* \* \* \*

7. Revise § 1717.854(c)(1) to read as follows:

### § 1717.854 Advance approval—100 percent private financing of distribution, subtransmission and headquarters facilities, and certain other community infrastructure.

\* \* \* \*

(c) \* \* \*

(1) The borrower has achieved a TIER of at least 1.25 and a DSC of at least 1.25 for each of 2 calendar years immediately preceding, or any 2 consecutive 12 month periods ending within 180 days immediately preceding, the issuance of the debt;

\* \* \* \*

## PART 1718—LOAN SECURITY DOCUMENTS FOR ELECTRIC BORROWERS

8. The authority citation for Part 1718 is revised to read as follows:

**Authority:** 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

### Subpart B—Mortgage for Distribution Borrowers

9. Article II, section 2.01(a)(1)(i) and Article III, section 3.10(6)(B) of Appendix A to Subpart B to Part 1718 are revised to read as follows:

### Appendix A to Subpart B to Part 1718—Model Form of Mortgage for Electric Distribution Borrowers

\* \* \* \*

#### Article II—Additional Notes

Section 2.01 \* \* \*

(a) \* \* \*

(1) \* \* \*

(i) The Mortgagor shall have achieved for each of the two calendar years immediately preceding the issuance of such Additional Notes, a TIER of not less than 1.25 and a DSC of not less than 1.25;

\* \* \* \*

#### Article III—Particular Covenants of the Mortgagor

\* \* \* \*

Section 3.10 \* \* \*

(6) \* \* \*

(B) having a *pro forma* TIER of not less than 1.25 and a *pro forma* DSC of not less than 1.25 for each of the two preceding calendar years, and

\* \* \* \*

### Subpart C—Loan Contracts With Distribution Borrowers

10. The definition of “Coverage Ratios” in Article I, Definitions, and Article V, section 5.4(b) of Appendix A to Subpart C to Part 1718 are revised to read as follows:

### Appendix A to Subpart C to Part 1718—Model Form of Loan Contract for Electric Distribution Borrowers

\* \* \* \*

#### Article I—Definitions

\* \* \* \*

“Coverage Ratios” shall mean, collectively, the following financial ratios: (i) TIER of 1.25; (ii) Operating TIER of 1.1; (iii) DSC of 1.25; and Operating DSC of 1.1.

\* \* \* \*

#### Article V—Affirmative Covenants

\* \* \* \*

(b) The average Coverage Ratios achieved by the Borrower in the 2 best years out of the 3 most recent calendar years must be not less than any of the following:

TIER=1.25

DSC=1.25

OTIER=1.1

ODSC=1.1

\* \* \* \*

Date: March 3, 2000.

Jill Long Thompson,

*Under Secretary, Rural Development.*

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## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 124

#### 8(a) Business Development/Small Disadvantaged Business Status Determinations

**AGENCY:** Small Business Administration (SBA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** SBA proposes to amend its regulations governing the Small Disadvantaged Business (SDB) program. This proposed rule would grant applicants seeking certification as an SDB a 45-day period to request that SBA reconsider its decision finding the applicant ineligible for SDB certification.

**DATES:** Submit comments on or before April 10, 2000.

**ADDRESSES:** Written comments should be addressed to Linda Williams, Deputy Associate Deputy Administrator for Government Contracting and Minority Enterprise Development, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Terri Dickerson, Acting Associate Administrator, Office of Small Disadvantaged Business Certification and Eligibility, at (202) 619-1727.

**SUPPLEMENTARY INFORMATION:** On June 30, 1998, in response to and in conjunction with the Department of Justice and the Federal Acquisition Regulation reform proposals to implement a government-wide SDB program, SBA issued a final rule establishing the procedural framework for certifying firms as SDBs and for processing protests challenging the disadvantaged status of a firm claiming to be an SDB. *See* 63 FR 35767. Under existing regulations, firms seeking SDB certification must meet certain citizenship, size, ownership, control and social and economic disadvantaged status requirements. Although SBA is responsible for determining an applicant's eligibility for SDB certification, the Agency has approved certain organizations or business concerns (called Private Certifiers) to perform ownership and control determinations.

When an applicant submits an SDB application to SBA, however, SBA's Assistant Administrator for Small Disadvantaged Business Certification and Eligibility (AA/SDBCE) determines whether the applicant satisfies all of the requirements for certification, and issues a single written decision as to whether the applicant qualifies as an

SDB. The current regulations do not grant SDB applicants a right to request that the AA/SDBCE reconsider his or her negative determination of SDB eligibility. Instead, existing regulations afford applicants declined SDB certification on certain grounds the right to appeal the denial to OHA. Further, the regulations provide that once SBA issues a final decision finding the applicant ineligible, the applicant is precluded from reapplying for 12 months after the date of the final SBA decision to decline the application.

SBA has determined that the absence of an opportunity for firms to obtain a reconsideration, coupled with the one year bar on reapplications for SDB certification following a final SBA decision, deprives applicants of a formal mechanism to immediately correct deficiencies in their applications.

This proposed rule would amend SBA's existing regulations, codified at Title 13 Code of Federal Regulation (CFR) part 124, to: (1) Grant applicants the opportunity to request reconsideration and (2) Establish a reconsideration process. This proposed rule would redesignate 13 CFR § 124.1008(f)(3) as 13 CFR § 124.1008(f)(4) and would add a new 13 CFR § 124.1008(f)(3). The new paragraph (3) Would grant applicants denied SDB certification a 45-day period from the date of the AA/SDBCE's written decision to request that the AA/SDBCE reconsider that decision.

As part of the request for reconsideration, this proposed rule would allow applicants to submit additional evidence to show that they have overcome the reason(s) for the AA/SDBCE's denial. If the AA/SDBCE once again declines the application solely on grounds that were not included in the original denial letter, the AA/SDBCE would be required to grant the applicant an additional 45-day period to request that SBA reconsider the new basis for denial. If, however, the AA/SDBCE determines that the applicant is ineligible for SDB certification for one or more of the same reason(s) as addressed in the original decline, the applicant would not be entitled to a second reconsideration.

This proposed rule would not affect an applicant's right under the current 13 CFR 124.1008(f)(3) to appeal the AA/SDBCE's decision denying eligibility. An applicant denied SDB certification based solely on reasons of social disadvantage, economic disadvantage, or disadvantaged ownership or control, would continue to have the right to appeal to OHA. Under this proposed rule, the applicant would have the option to forego the reconsideration

process and appeal the AA/SDBCE's initial decision to OHA, or to request reconsideration and if declined a second time solely on those grounds, to appeal the AA/SDBCE's reconsideration decision.

This proposed rule also does not affect an applicant's right with respect to ownership and control determinations of Private Certifiers. Unlike determinations by SBA, the current regulations allow applicants to reapply at any time following a Private Certifier's negative ownership and control determination and therefore obviate the need for a formal reconsideration process.

The proposed reconsideration process under this rule constitutes a procedural amendment that is designed to improve the efficiency and effectiveness of the certification process. This proposed rule also benefits SDB applicants by granting them the right to request that the AA/SDBCE reconsider his or her denial of SDB eligibility. The proposed rule in no way deprives the public of any existing rights under SBA regulations, nor does it impose any additional burdens on SDB applicants or any other member of the public. For those reasons, SBA is providing a 30-day comment period to avoid unnecessarily delaying the implementation of this rule and to avoid unnecessarily impeding the efficient administration of the SDB certification program.

**Compliance With Executive Orders 13132, 12988, and 12866, the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)**

SBA has determined that this rule is not a significant regulatory action as defined by Executive Order 12866 in that it is not likely to have an annual economic effect of \$100 million or more on the economy, result in a major increase in costs or prices, or have a significant adverse effect on competition or the United States economy. SBA certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, since it would be a procedural amendment to the SDB certification process that would not impose any mandatory requirements on SDB applicants or deprive them of any existing rights under governing SBA regulations.

For purposes of the Paperwork Reduction Act of 1995 (Public Law 104-13), SBA certifies that this interim rule imposes no new reporting or recordkeeping requirements on firms

applying to be certified as an SDB. The rule grants certain SDB applicants the right to submit evidence to SBA that they are socially and economically disadvantaged, that they are citizens of the United States, and that they own and control the applicant concern. Once certified as an SDB, this rule does not require an SDB to report any other information to SBA or to maintain additional records.

For purposes of Executive Order 13132, SBA has determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For purposes of Executive Order 12988, SBA certifies that this rule is drafted, to the extent practicable, in accordance with the standards set forth in Section 3 of that Order.

**List of Subjects 13 CFR Part 124**

Government procurement, Hawaiian natives, Minority businesses, Reporting and recordkeeping requirements, Technical assistance.

Accordingly, for the reasons set forth above, SBA proposes to amend Title 13, CFR as follows:

**PART 124—[AMENDED]**

1. The authority citation for 13 CFR part 124 continues to read as follows:

**Authority:** 15 U.S.C. 634(b)(6), 636(j), 637(a), 637(d) and Pub. L. 99-661, Pub. L. 100-656, sec. 1207, Pub. L. 101-37, Pub. L. 101-574, and 42 U.S.C. 9815.

2. Section 124.1008 is amended by redesignating paragraphs (f)(3) and (4) as paragraphs (f)(4) and (5), respectively, and adding a new paragraph (f)(3) to read as follows:

**§ 124.1008 How does a firm become certified as an SDB?**

\* \* \* \* \*

(f) \* \* \*

(3)(i) If the AA/SDBCE declines the firm's application for SDB certification, the firm may request that the AA/SDBCE reconsider his or her initial decline by submitting a written request to the AA/SDBCE within 45 days of the date of the AA/SDBCE's decision. The applicant may provide any additional information and documentation pertinent to overcoming the reason(s) for the initial decline.

(ii) The AA/SDBCE will issue a written decision within 30 days of receiving the applicant's request for reconsideration, if practicable. The AA/SDBCE may either approve the application, deny it on one or more of the same grounds as the initial decision, or deny it on other grounds. If the application is denied, the AA/SDBCE

will explain why the applicant is not eligible for SDB certification and give specific reasons for the decline. If the AA/SDBCE declines the application solely on issues not raised in the initial decline, the applicant may request another reconsideration as if it were an initial decline. If the AA/SDBCE declines the application for one or more of the same reasons as addressed in the initial decline, the applicant is not entitled to a second reconsideration.

\* \* \* \* \*

Dated: March 1, 2000.

**Aida Alvarez,**  
Administrator.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 91-NM-96-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Airbus Industrie Model A300 B2-1C, B2K-3C, and B2-203 Series Airplanes**

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to certain Airbus Model A300 B2 series airplanes. That action would have required a superseding of an existing AD that currently requires a one-time visual inspection and ultrasonic inspection to detect cracks in the wing front spar webs, and repair, if necessary. The NPRM would have required a visual inspection and repetitive ultrasonic inspections to detect cracks in the front face of the front spar on both wings between ribs 10 and 11, and repair, if necessary. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has issued separate rulemaking to require these same actions. Accordingly, the proposed rule is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW, Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal

Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to certain Airbus Model A300 B2 series airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on June 10, 1991 (56 FR 26621). The proposed rule would have superseded an existing airworthiness directive (AD) that requires a one-time visual and ultrasonic inspection to detect cracks in the wing spar webs, and repair, if necessary. The proposed rule would have required a visual inspection and repetitive ultrasonic inspections to detect cracks in the front face of the front spar of both wings between ribs 10 and 11, and repair, if necessary. The proposed rule was prompted by a report of a crack found on an in-service airplane in the wing front spar web between ribs 10 and 11. The proposed actions were intended to detect and correct cracking, which could result in reduced structural integrity of the wing front spar.

#### **Actions That Occurred Since the NPRM Was Issued**

Since the issuance of the NPRM, the FAA issued an immediately adopted rule, AD 91-18-01, amendment 39-8004 (56 FR 40771, August 16, 1991), which requires repetitive high frequency eddy current inspections to detect cracks in the vertical web of the wing front spar between ribs 10 and 11, and repair, if necessary. Accomplishment of those actions adequately addresses the unsafe condition identified in this NPRM.

#### **FAA's Conclusions**

Since issuance of AD 91-18-01, the FAA has determined that the proposed actions of the NPRM (Docket 91-NM-96-AD) are unnecessary.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

#### **Regulatory Impact**

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 13132, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

#### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

#### **The Withdrawal**

Accordingly, the notice of proposed rulemaking, Docket 91-NM-96-AD, published in the **Federal Register** on June 10, 1991 (56 FR 26621), is withdrawn.

Issued in Renton, Washington, on March 6, 2000.

**Donald L. Riggins,**

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-5892 Filed 3-9-00; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 00-ACE-6]

#### **Establishment of Class E Airspace; Salem, MO**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to establish Class E airspace area at Salem Memorial Airport, Salem, MO. The Federal Aviation Administration has developed Area Navigation (RNAV) runway (RWY) 17, RNAV RWY 35 and VHF Omnidirectional Range (VOR)-A Standard Instrument Approach Procedures (SIAPs) to serve Salem Memorial Airport, Salem, MO. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate aircraft executing the SIAPs. This proposal would create controlled airspace at Salem Memorial Airport. The intended effect of this rule is to provide controlled airspace for aircraft executing the SIAPs at the Salem Memorial Airport.

**DATES:** Comments must be received on or before April 14, 2000.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE-520, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 00-ACE-6, 901 Locust, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the office of the Manager, Airspace