

due to the exceptionally heavy weight of the fruit.

The Committee, at its February 25, 1999, meeting, unanimously recommended suspending the minimum net weight requirements for the 1999–2000 season in order to evaluate the suspended requirements during a season when the fruit shape and density were normal. This suspension was implemented by a final rule published on July 29, 1999 (64 FR 41010) and is in effect until July 31, 2000.

As previously mentioned, the 1999–2000 crop was approximately three million tray-equivalents shorter than estimated due to a severe frost during the spring of 1999. This shortage of fruit resulted in limited quantities of fruit available for evaluation. Because of the uncharacteristic fruit in the 1998–1999 season and the short crop in the 1999–2000 season the Committee would like to suspend the minimum net weight requirement for another year of evaluation. Therefore, at its February 24, 2000, meeting, the Committee, once again, unanimously recommended continuing the suspension of § 920.302(a)(4)(iii) for another season, the 2000–2001 season. This suspension would be in effect until July 31, 2001, and is expected to reduce handler-packing costs, increase grower returns, and enable handlers to compete more effectively in the marketplace.

These changes address the marketing and shipping needs of the kiwifruit industry and are in the interest of handlers, growers, buyers, and consumers. The impact of these changes is expected to be beneficial to all handlers and growers regardless of size.

The Committee discussed alternatives to this change, including indefinitely suspending these requirements. While the industry continues to believe that the suspensions helped handlers reduce packing costs and compete more effectively in the marketplace, it is not yet ready to recommend permanent suspension for the 2000–2001 and future seasons. Both the 1998–1999 and 1999–2000 seasons were abnormal in some respects and the Committee would like to study the results of the suspensions during a normal season. Thus, the Committee unanimously agreed to suspend these requirements for the 2000–2001 season.

This proposed rule would relax inspection and pack requirements under the kiwifruit marketing order. Accordingly, this action would not impose any additional reporting or recordkeeping requirements on either small or large kiwifruit handlers. As with all Federal marketing order programs, reports and forms are

periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

In addition, the Committee's meetings were widely publicized throughout the kiwifruit industry and all interested persons were invited to attend the meetings and participate in Committee deliberations. Like all Committee meetings, the February 24, 2000, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. The majority of the industry are small entities. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at the following web site: <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.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate because this rule would meet to be in place by August 1, 2000 as the current suspension expires on July 31, 2000, and handlers need to make operational decisions in time for the 2000–2001 season. All written comments timely received will be considered before a final determination is made on this matter.

#### List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 920 is proposed to be amended as follows:

#### PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 920 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

##### § 920.155 [Suspended in part]

2. In part 920, § 920.155 is suspended in its entirety effective August 1, 2000, through July 31, 2001.

##### § 920.302 [Suspended in part]

3. In § 920.302, paragraph (a)(4)(iii) is suspended effective August 1, 2000, through July 31, 2001.

Dated: April 18, 2000.

**Robert C. Keeney,**

*Deputy Administrator, Fruit and Vegetable Programs.*

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## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### 7 CFR Part 1724

**RIN 0572–AB54**

#### Electric Engineering, Architectural Services and Design Policies and Procedures

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Rural Utilities Service (RUS) is proposing to amend its regulations to revise its requirements regarding RUS approval of plans and specifications for buildings. Specifically, RUS is proposing that the requirement for RUS approval of architectural plans and specifications for buildings be eliminated and that instead the borrower's architect or engineer be required to state that the design complies with certain specific standards. This change is being made in order to provide better service to borrowers.

**DATES:** Written comments must be received by RUS, or bear a postmark or equivalent, no later than June 23, 2000.

**ADDRESSES:** Written comments should be addressed to F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, Stop 1522, 1400 Independence Avenue, SW., Washington, DC 20250–1522. Telephone: (202) 720–9550. RUS requires a signed original and three copies of all comments (7 CFR 1700.4). Comments will be available for public inspection during regular business hours (7 CFR 1.27(b)).

**FOR FURTHER INFORMATION CONTACT:** Fred J. Gatchell, Deputy Director, Electric Staff Division, Rural Utilities Service, U.S. Department of Agriculture, Stop 1569, 1400 Independence Ave., SW., Washington, DC 20250–1569. Telephone: (202) 720–1398. FAX: (202) 720–7491. E-mail: [fgatchel@rus.usda.gov](mailto:fgatchel@rus.usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

This proposed 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 (OMB).

#### Executive Order 12372

This proposed rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State, local, and tribal government or the private sector. See the final rule related notice entitled "Department Programs and Activities Excluded from Executive Order 12372," (50 FR 47034).

#### Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this rule meets the applicable standards provided in Section 3 of the Executive Order. In accordance with the Executive Order and the rule: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule, and (3), in accordance with § 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. § 6912(e)), if any are more required, they must be exhausted prior to initiating litigation against the Department or its agencies.

#### Regulatory Flexibility Act Certification

The Administrator of RUS has determined that this rule relating to RUS electric loan program is not a rule as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and, therefore, the Regulatory Flexibility Act does not apply to this rule. RUS borrowers, as a result of obtaining federal financing, receive economic benefits that exceed any direct economic costs associated with complying with RUS regulations and requirements.

#### National Environmental Policy Act Certification

The Administrator of RUS has determined that this proposed rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

#### Catalog of Federal Domestic Assistance

The program described by this proposed rule is listed in the Catalog of Federal Domestic Assistance programs under No. 10.850, Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of

Documents, the United States Government Printing Office, Washington, DC 20402-9325, telephone number (202) 512-1800.

#### Information Collection and Recordkeeping Requirements

The reporting and recordkeeping requirements contained in this rule were approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) under OMB control number 0572-0118.

Send questions or comments regarding this burden or any other aspect of these collection of information, including suggestions for reducing the burden to F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, USDA, 1400 Independence Ave., Room 4034 SBldg., STOP 1522, Washington, DC 20250-1522.

#### Unfunded Mandates

This proposed rule contains no Federal mandates (under the regulatory provision of title II of the Unfunded Mandates Reform Act) for State, local, and tribal governments or the private sector. Thus, this proposed rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act.

#### Background

RUS has promulgated regulations pertaining to the design and construction of RUS electric borrower's systems. These regulations are contained in 7 CFR chapter XVII, Part 1724, Electric Engineering, Architectural Services and Design Policies and Procedures, which describes policies and procedures pertaining to RUS electric borrower procurement of architectural and engineering services for planning, design, and construction management of buildings and electric utility plant such as distribution and transmission lines, substations, communications and control systems, and generating plants. RUS has determined that continued review and approval of plans and specifications for buildings by RUS is not necessary. This will eliminate the burden on the borrowers of having to send the plans and specifications to RUS before issuing them to bidders. However, RUS will require that the borrower's architect or engineer state that the design complies with certain specific standards. This change is being made in order to provide better service to borrowers.

We are also correcting a date in the list of contract forms.

#### List of Subjects in 7 CFR Part 1724

Electric power, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, RUS proposes to amend 7 CFR chapter XVII by amending part 1724 as follows:

#### PART 1724—ELECTRICAL ENGINEERING, ARCHITECTURAL SERVICES AND DESIGN POLICIES AND PROCEDURES

1. The authority citation for part 1724 continues to read as follows:

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

2. Section 1724.54(f)(2) is revised to read as follows:

#### § 1724.54 Requirements for RUS approval of plans and specifications.

\* \* \* \* \*

(f) \* \* \*

(2) Unless RUS approval is required by paragraph (a) of this section, plans and specifications for headquarters buildings do not require RUS approval. The borrower shall submit two copies of RUS Form 740g, Application for Headquarters Facilities. This form is available from Program Development and Regulatory Analysis, Rural Utilities Service, United States Department of Agriculture, Stop 1522, 1400 Independence Ave., SW., Washington, DC 20250-1522. The application must show floor area and estimated cost breakdown between office building space and space for equipment warehousing and service facilities, and include a one line drawing (floor plan and elevation view), to scale, of the proposed building with overall dimensions shown. The information concerning the planned building may be included in the borrower's construction work plan in lieu of submitting it with the application. (See 7 CFR part 1710, subpart F.) Prior to issuing the plans and specifications for bid, the borrower shall also submit to RUS a statement, signed by the architect or engineer, that the building design meets the Uniform Federal Accessibility Standards (See § 1724.51(e)(1)(i)).

\* \* \* \* \*

3. Section 1724.74(d)(7) is revised to read as follows:

#### § 1724.74 List of electric program standard contract forms.

\* \* \* \* \*

(d) \* \* \*

(7) RUS Form 284, Rev. 4-72, Final Statement of Cost for Architectural

Service. This form is used for the closeout of architectural services contracts.

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Dated: April 12, 2000.

**Jill Long Thompson,**

*Under Secretary, Rural Development.*

[FR Doc. 00-10140 Filed 4-21-00; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 32

[Docket No. PRM-32-05]

#### Metabolic Solutions: Denial of Petition for Rulemaking

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Denial of petition for rulemaking.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM-32-05) submitted by Metabolic Solutions. The petitioner requested that the NRC extend the regulatory distribution exemption for 1 microcurie of carbon-14 (C-14) urea to include a product being developed by its company. The product is the Erythromycin Breath Test (EBT) which uses a 111-kilobecquerel (kBq) (3-microcurie) dose of C-14 erythromycin.

**ADDRESSES:** Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Attention: Rulemakings and Adjudications Staff.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website (<http://ruleforum.llnl.gov>). This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher (301) 415-5905 (e-mail: [cag@nrc.gov](mailto:cag@nrc.gov)).

Copies of any comments received may be examined at the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC.

**FOR FURTHER INFORMATION, CONTACT:** James Smith, telephone (301) 415-6459, e-mail: [jas4@nrc.gov](mailto:jas4@nrc.gov), of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

## SUPPLEMENTARY INFORMATION:

### The Petition

On May 4, 1999 (64 FR 23796), NRC noticed receipt and requested comment on the PRM filed by Metabolic Solutions Inc. The comment period closed on July 20, 1999. Notice of receipt of the Metabolic Solutions PRM resulted in the NRC receiving comment letters from two medical universities in support of the petition.

The C-14 EBT measures the activity, in-vivo, of an important liver enzyme that is the most abundant drug-metabolizing enzyme in the body. This test is currently used to determine the safety of new drugs during clinical trials; as such, it is used only as a research tool. The petitioner states that the doses associated with this test are comparable to the doses for the C-14 urea test which is exempt from the requirement for licensing pursuant to 10 CFR 30.21 (a).

### Public Comments on the Petition

The notice of receipt of the PRM invited interested persons to submit comments. The two public comments received in response to the notice, from the University of Nebraska Medical Center and Johns Hopkins Medical Institutions, were in support of the petition. The two comments generally noted the low doses associated with the test and the possible economic benefit in reducing the expense of clinical trials through elimination of the need for a byproduct materials license.

### Reasons for Denial

A denial is consistent with the Commission's previous decision on the C-14 urea tests to require that research be performed under a specific license (62 FR 63634), since this product is to be used only in research use. The doses are not the limiting factor for extending the distribution exemption to this test. The previous decision was based upon restrictions of such use under the common rule entitled "Federal Policy for the Protection of Human Subjects; Notices and Rules" (56 FR 28002). Although the NRC did not adopt the common rule, our intention is to follow the essential requirements of the rule, which have been adopted into 10 CFR 35.6, "Provisions for Research Involving Human Subjects." Specifically, 10 CFR 35.6 requires a licensee that conducts research involving human research subjects to obtain informed consent and obtain approval by an Institutional Review Board. Because the common rule did not allow for exemptions for research involving minimal risk, the Commission determined that such

research use should not be exempt from 10 CFR 35.6.

Dated at Rockville, Maryland, this 5th day of April, 2000.

For the U.S. Nuclear Regulatory Commission.

**William D. Travers**

*Executive Director for Operations.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

[Docket No. 99-SW-66-AD]

#### Airworthiness Directives; Eurocopter Deutschland GMBH Model BO-105A, BO-105C, BO-105 C-2, BO-105 CB-2, BO-105 CB-4, BO-105S, BO-105 CS-2, BO-105 CBS-2, BO-105 CBS-4, and BO-105LS A-1 Helicopters

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

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

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD) for Eurocopter Deutschland GMBH (ECD) Model BO-105A, BO-105C, BO-105 C-2, BO-105 CB-2, BO-105 CB-4, BO-105S, BO-105 CS-2, BO-105 CBS-2, BO-105 CBS-4, and BO-105LS A-1 helicopters. That AD currently requires creating a component log card or equivalent record and determining the calendar age and number of flights on each tension-torsion (TT) strap. That AD also requires inspecting and removing, as necessary, certain unairworthy TT straps. This action would establish a life limit for certain main rotor TT straps. This proposal is prompted by a need to establish a life limit for certain TT straps because of an accident in which a main rotor blade (blade) separated from an ECD Model MBB-BK 117 helicopter due to fatigue failure of a TT strap. The same part-numbered TT strap is used on the ECD Model BO-105 helicopters. The actions specified by this AD are intended to prevent fatigue failure of the TT strap, loss of a blade, and subsequent loss of control of the helicopter.

**DATES:** Comments must be received on or before June 23, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99-SW-66-