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 (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent opening of the pneumatic augmentation valve during initial climb following an engine failure, which could result in significant loss of thrust on the remaining engine and consequent inadequate initial climb performance of the airplane, accomplish the following:

Modification

(a) Within 3 years after the effective date of this AD, revise the wiring of the air conditioning pneumatic supply control, if applicable, and revise the wiring of the pneumatic augmentation valve, in accordance with McDonnell Douglas Service Bulletin DC9–36–012, Revision 03, dated February 3, 1998, or Revision 04, dated October 16, 1998.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on July 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–20327 Filed 8–5–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–153–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes and Model F27 Mark 050 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes and Model F27 Mark 050 series airplanes, that would have required revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. That proposal was prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by that proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This new proposed action revises the proposed rule by specifying that, at the first signs of ice accumulation, ''heavy'' automatic cycling mode must be used during operation of the deicing boots. The actions specified by this new proposed AD are intended to prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 31, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–153–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Norman Martenson, Aerospace Engineer, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

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 shall 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 summarizing 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 Number 99–NM–153–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–153–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes and Model F27 Mark 050 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on July 16, 1999 (64 FR 38345). That NPRM would have required revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. That NPRM was prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe

pneumatic deicing boots were not activated. That condition, if not corrected, could result in reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

Actions Since Issuance of Previous Proposal

The FAA has determined that further definition is necessary to specify the automatic cycling mode of activation of the deicing boots. These airplanes may operate deicing boots in either a ''light'' or a ''heavy'' automatic cycling mode; however, the FAA finds that at the first sign of ice accumulation, required activation of the deicing boots in ''heavy'' mode is warranted. The FAA considers that the required activation in ''heavy'' mode is necessary to assure the capability of the system to shed ice with a low pressure indication setting of 8 pounds per square inch gage (psig).

However, the manufacturer has advised the FAA that requiring activation of the deicing boots in ''heavy'' automatic cycling mode would cause the boots to wear at a rate higher than anticipated. The manufacturer further states that, consequently, such a high wear rate would require replacement of the deicing boots sooner than anticipated. The manufacturer concludes, therefore, that the additional costs associated with such additional replacement of the deicing boots would impose an additional burden to operators.

The FAA acknowledges that the activation of the deicing boots using the ''heavy'' automatic cycling mode may require costs that were not originally anticipated. The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent operators would accomplish the required actions even if they were not required to do so by the AD. In this case, the FAA has determined that direct and incidental costs are still outweighed by the safety benefits of the AD.

Therefore, this supplemental NPRM revises paragraph (a) of the original proposal by adding the words ''heavy'' to specify that in the Airplane Flight Manual revision the deicing boot system must be operated in the ''heavy'' automatic cycling mode. Additionally, since these airplanes are all equipped with an automatic cycling mode, the FAA has removed the phrase ''if available'' in the same AFM paragraph. The proposed actions will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

Conclusion

Since this change expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

The FAA estimates that 34 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,040, or $60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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:

Fokker Services B.V.: Docket 99–NM–153–AD.

Applicability: Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes and Model F27 Mark 050 series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the ''heavy'' automatic cycling mode; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Manager,

International Branch, ANM–116, FAA, Transport Airplane Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116 ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116 ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on July 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–20326 Filed 8–5–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 113

RIN 1515–AC44

Importation and Entry Bond Conditions Regarding Other Agency Documentation Requirements

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations with regard to the basic importation and entry bond condition under which, if merchandise is conditionally released to the principal named in the bond, the principal agrees to furnish Customs with any document or evidence as required by law or regulation. The proposed amendment would extend this requirement, and consequently the potential liability for payment of liquidated damages for a breach of the bond condition, to documents and evidence submitted to other Government agencies under laws and regulations of those other agencies.

DATES: Comments must be received on or before October 5, 1999.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Washington, DC 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jeremy Baskin, Penalties Branch, Office of Regulations and Rulings (202–927–2344).

SUPPLEMENTARY INFORMATION:

Background

Section 113.62 of the Customs Regulations (19 CFR 113.62) sets forth the conditions that are incorporated by reference in a basic importation and entry bond (on Customs Form 301) that must be on file with Customs when merchandise is imported and entered in the United States. Those conditions involve the agreements on the part of the obligors under the bond (that is, the principal and/or the surety) to take specific actions required by statute or regulation in connection with the importation/entry process and to pay liquidated damages as a consequence of a default on any agreement in a bond condition.

Paragraph (c) of § 113.62 concerns the agreement to produce documents and evidence. This regulatory text provides that ''[i]f merchandise is released conditionally to the principal before all required documents or other evidence is produced, the principal agrees *to furnish Customs* with any document or evidence as required by law or regulation, and within the time specified by law or regulations'' (emphasis added). Since this bond condition refers only to documents or other evidence required to be furnished to Customs, it would not apply to documents and other evidence that are required by law or regulation to be submitted to another Government agency. Under paragraph (l)(1) of § 113.62, if the principal defaults on the paragraph (c) agreement, the obligors (that is, the principal and surety, jointly and severally) agree to pay liquidated damages in an amount generally equal to the value of the merchandise involved in the default or another amount that may vary depending on the nature of the merchandise or the terms of the specific substantive law or regulation at issue.

Basis for the Proposed Regulatory Change

On January 13, 1999, the Farm Service Agency (FSA) of the Department of Agriculture published in the **Federal Register** (64 FR 2152) a proposed rule to amend Part 782 of the FSA Regulations (7 CFR part 782), which pertains to the end-use certificate program. The end-use certificate program was established pursuant to section 321(f) of the North American Free Trade Agreement Implementation Act (Public Law 103–182, 107 Stat. 2057), which is codified at 19 U.S.C. 3391(f). The program applies to wheat or barley imported into the United States from any foreign country or instrumentality thereof that, as of April 8, 1994, required end-use certificates for imports of U.S.-produced wheat or barley. The purpose of the program is to ensure that foreign agricultural commodities do not benefit from U.S. export programs (*see* H. Rep. 103–361, 103d Cong., 1st Sess., at 68). The regulations under the program, which were promulgated by the FSA in consultation with Customs as required by the statute, currently affect only wheat originating in Canada (see 7 CFR 782.10(b)).

The amendments proposed by the FSA in the January 13, 1999 notice would affect §§ 782.2 and 782.12 (7 CFR 782.2 and 782.12), which set forth, respectively, the definitions that apply for purposes of Part 782 and the requirements for completing and filing the end-use certificate for imports of wheat originating in Canada. Specifically, the proposed regulatory changes would: (1) Amend the definition of ''importer'' to refer to the party qualifying as importer of record under 19 U.S.C. 1484(a); (2) reduce the time period for submission of the end-use certificate (form FSA–750) to the FSA from ''within 15 workdays following the date of entry'' to ''within 10 workdays following the date of entry or release'; and (3) add several data elements to be set forth on the form FSA–750.

In addition to a discussion of the proposed regulatory amendments, the background portion of the January 13, 1999, FSA notice contains the following statement: ''The U.S. Customs Service has informed the Department of Agriculture officials that it will be amending the provisions of their basic import bond to allow for the assessment of damages if there is a failure to provide the End-Use Certificate in the time period provided by FSA.'' This statement resulted from discussions that Customs personnel had with FSA personnel regarding ways to improve the administration and enforcement of the end-use certificate program, consistent with the statutory consultative mandate set forth in the statute and reflected in the FSA regulations (see 7 CFR 782.3), and reflected the fact that the text of present paragraph (c) of § 113.62 technically does not apply to the end-use certificate because it is not furnished to Customs but rather is submitted to the FSA.