

Proposed Rules

Federal Register

Vol. 62, No. 61

Monday, March 31, 1997

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 46

[Docket No. FV96-351A]

RIN: 0581-AB41

Amendments to the Perishable Agricultural Commodities Act (PACA)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; reopening of the comment period.

SUMMARY: This document reopens the period for filing written comments on revisions to the Perishable Agricultural Commodities Act (PACA) license fees. These changes would conform current regulations to new legislative changes signed into law by President Clinton. Specifically, the changes to the license fee structure phase retailers and grocery wholesalers out of license fee payments over a 3-year period; establish a one-time administrative fee for new retailers and grocery wholesalers entering the program after the 3-year phase-out period; and increase license fees from \$400 to \$550 annually for all other licensees.

DATES: Comments must be received by April 30, 1997.

ADDRESSES: Interested persons are invited to submit written comments concerning this reopened action. Comments must be sent to James R. Frazier, Chief, PACA Branch, Fruit and Vegetable Division, Room 2095-South Building, 1400 Independence Avenue, S.W., P.O. Box 96456, Washington, DC 20090-6456. All comments should reference the docket number and the date and page number of this issue in the **Federal Register** and will be made available for inspection in the PACA Branch during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Frazier, Chief, PACA Branch, F&V Division, AMS, USDA, Room 2095-South Building, P.O. Box 96456,

Washington, DC 20090-6456, Phone (202) 720-2272.

SUPPLEMENTARY INFORMATION: The PACA was amended by Public Law 104-48. The regulations implementing the PACA (other than the Rules of Practice) are published in the Code of Federal Regulations at Title 7, Part 46 (7 CFR Part 46). A proposed rule to amend the regulations to implement Public Law 104-48 was published in the September 10, 1996 issue of the **Federal Register** (61 FR 47674). The 60-day comment period closed on November 12, 1996. Twelve comments were received on the proposed rule from four trade associations representing growers and shippers, three trade groups representing retailers and grocery wholesalers, three law firms, one association representing the frozen food industry, and one fruit and vegetable broker.

Section 46.6 of the proposed rule would phase all retailers and grocery wholesalers out of license fee payments over the 3-year period, beginning November 15, 1995 and ending November 14, 1998. The gradual phase-out of fee payments under this proposed rule is inclusive of all retailers and grocery wholesalers, regardless of when they were initially licensed under the PACA.

Of the twelve comments received, three addressed the collection of renewal fees paid by grocery wholesalers and retailers licensed by USDA after enactment of Public Law 104-48. The three commentors write that USDA is incorrectly proposing that first-time licensed retailers and grocery wholesalers pay renewal fees. They refer to section 499 (c) (3) of the statute designated, "ONE-TIME FEE FOR RETAILERS AND GROCERY WHOLESALERS THAT ARE DEALERS", which specifies the fees to be paid by a retailer or a grocery wholesaler making an initial application during the phase-out period and after such period ends. The commentors emphasized the statutory language ending section 499 (c) (3) which states: "* * * a retailer or grocery wholesaler paying a fee under this paragraph shall not be required to pay any fee for renewal of the license for subsequent years." Since the commentors' interpretation of the legislative amendment is substantially different from USDA's view but appears to be

plausible, USDA has determined that reopening the comment period until April 30, 1997, would allow other parties interested in this matter more time to review this section of the proposed rule and provide their comments. In the meantime, USDA will continue to assess license renewal fees as provided in 7 CFR Part 46.6. Should USDA, after notice and comment, conclude that the law excludes certain categories of licensees from the requirement to pay regular renewal fees, all such fees paid by those firms or individuals shall be refunded with interest. If USDA reaches such a conclusion, the PACA program will face a projected \$750,000 loss in revenue over the three-year phase-out period.

Accordingly, the period in which to file written comments is reopened until April 30, 1997.

List of Subjects in 7 CFR Part 46

Agricultural commodities, Brokers, Penalties, Reporting and recordkeeping requirements.

Dated: March 21, 1997.

Eric M. Forman,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 97-7808 Filed 3-28-97; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-CE-45-AD]

RIN 2120-AA64

Airworthiness Directives; de Havilland DHC-6 series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); Reopening of the comment period.

SUMMARY: This document proposes to revise an earlier proposed airworthiness directive (AD), which would have superseded AD 78-26-02. That AD currently requires repetitively inspecting the fuselage side frame flanges at Fuselage Station (FS) 218.125 and FS 219.525 for cracks on certain de Havilland DHC-6 series airplanes, and repairing or replacing any cracked part. The previous document would have