

excess of the skim milk and butterfat contained in member producer milk actually received at such plant)", and "or the previous 12-month period ending with the current month."

Statement of Consideration

The rule suspends certain provisions of the Central Arizona Federal milk order through September 30, 1999. Implementation of Federal order reform begins on October 1, 1999. The suspension removes the requirement that a cooperative association that operates a manufacturing plant in the marketing area must ship at least 50 percent of its milk supply during the current month or the previous 12-month period ending with the current month to other handlers' pool plants to maintain the pool status of its manufacturing plant.

The order permits a cooperative association's manufacturing plant, located in the marketing area, to be a pool plant if at least 50 percent of the producer milk of members of the cooperative association is physically received at pool plants of other handlers during the current month or the previous 12-month period ending with the current month.

Reinstatement of the suspension which expired on March 31, 1999, was requested by United Dairymen of Arizona (UDA), a cooperative association that represents nearly all of the dairy farmers who supply the Central Arizona market. UDA states that the pool status of their manufacturing plant is threatened if the suspension is not reinstated. UDA states that the same marketing conditions that warranted the suspension for the past four years still exist. UDA maintains that members who increased their milk production to meet the projected demands of fluid handlers for distribution into Mexico continue to suffer the adverse impact of the collapse of the Mexican peso. Absent a suspension, UDA projects that costly and inefficient movements of milk would have to be made to maintain the pool status of producers who have historically supplied the market and to prevent disorderly marketing in the Central Arizona marketing area.

A review of the current marketing conditions indicates that, absent the suspension, the pool plant status of UDA's manufacturing plant will not be maintained. Thus, costly and inefficient movements of milk would have to be made to maintain pool status of producers who have historically supplied the market and to prevent disorderly marketing in the Central Arizona marketing area. Therefore, the suspension is found to be necessary for

the purpose of assuring that producers' milk will not have to be moved in an uneconomic and inefficient manner to assure that producers whose milk has long been associated with the Central Arizona marketing area will continue to benefit from pooling and pricing under the order. In addition, suspension of these provisions through September 30, 1999, will ensure that disorderly marketing conditions that may result from these provisions do not negatively impact producers in the future as these provisions have been modified in the Federal order reform regulatory language.

Accordingly, it is appropriate to suspend the aforesaid provisions from the day after publication of this rule in the **Federal Register** through September 30, 1999.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area, in that such rule is necessary to permit the continued pooling of the milk of dairy farmers who have historically supplied the market without the need for making costly and inefficient movements of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. One comment was received.

Therefore, good cause exists for making this order effective less than 30 days from the date of publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1131

Milk marketing orders.

For the reasons set forth in the preamble, 7 CFR part 1131 is amended for the period of one day following publication of this rule in the **Federal Register** through September 30, 1999, as follows:

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

1. The authority citation for 7 CFR Part 1131 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 1131.7 [Suspended in part]

2. In § 1131.7, paragraph (c), the words "50 percent or more of",

"(including the skim milk and butterfat in fluid milk products transferred from its own plant pursuant to this paragraph that is not in excess of the skim milk and butterfat contained in member producer milk actually received at such plant)", and "or the previous 12-month period ending with the current month" during the month" are suspended.

Dated: September 13, 1999.

Richard M. McKee

Deputy Administrator, Dairy Programs.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–175–AD; Amendment 39–11318; AD 99–19–31]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A340 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A340 series airplanes. This action requires repetitive inspections to detect cracking of the right inboard attachment lug of the main fitting of the center landing gear (CLG), and replacement with a new or serviceable CLG, if necessary. This action also provides for replacement of the CLG with an improved CLG as an optional terminating action for the repetitive inspections. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to detect and correct cracks in the attachment lug, which could result in failure of the CLG.

DATES: Effective October 5, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 5, 1999.

Comments for inclusion in the Rules Docket must be received on or before October 20, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114,

Attention: Rules Docket No. 99-NM-175-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Norman B. Martenson, 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: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A340 series airplanes. The DGAC advises that an operator has found a cracked attachment lug located on the inboard side of the right-hand main fitting of the center landing gear (CLG) [which is part of the main landing gear (MLG)]. The operator found the failed lug during the weekly visual inspection of the MLG. The cause of the cracking is unknown at this time. Such cracking, if not corrected, could result in failure of the CLG.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A340-32-4091, Revision 01, dated June 3, 1998, which describes procedures for repetitive inspections to detect cracking of the right inboard attachment lug of the main fitting of the CLG, and replacement with a new or serviceable CLG, if necessary. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 97-363-076(B) R2, dated July 15, 1998, as revised by Erratum, dated August 12, 1998, in order to assure the continued airworthiness of these airplanes in France.

Airbus has also issued Service Bulletin A340-32-4097, Revision 02, dated June 24, 1998, which describes procedures for replacement of the CLG with an improved CLG. Such replacement eliminates the need for the repetitive inspections.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal

Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to detect cracks of the right inboard attachment lug of the main fitting of the CLG. This AD requires accomplishment of the actions specified in Airbus Service Bulletin A340-32-4091, described previously. This AD also provides for optional terminating action for the repetitive inspections.

Operators should note that, in consonance with the findings of the DGAC, the FAA has determined that the repetitive inspections in this AD can be allowed to continue in lieu of accomplishment of a terminating action. In making this determination, the FAA considers that, in this case, long-term continued operational safety will be adequately assured by accomplishing the repetitive inspections to detect cracking before it represents a hazard to the airplane.

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 1 work hour to accomplish the required inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this AD would be \$60 per airplane, per inspection cycle.

Determination of Rule's Effective Date

Since this AD action does not affect any airplane that is currently on the

U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99-NM-175-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) Is not a "significant regulatory action" under

Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

99-19-31 Airbus Industrie: Amendment 39-11318. Docket 99-NM-175-AD.

Applicability: Model A340 series airplanes, certificated in any category; except those on which Airbus Modification 45302 has been accomplished.

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 (f) 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 detect and correct cracking of the right inboard attachment lug of the main fitting of the center landing gear (CLG), which could result in failure of the CLG, accomplish the following:

Inspection

(a) For airplanes on which Airbus Industrie Modification 43028 (reference Airbus Service Bulletin A340-32-4083) has not been accomplished: Prior to the accumulation of 150 flight cycles on the CLG, or within 7 days after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracking of the right inboard attachment lug of the main fitting of the CLG, in accordance with Airbus Service Bulletin A340-32-4091, Revision 01, dated June 3, 1998.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(b) For airplanes on which Airbus Industrie Modification 43028 (reference Airbus Service Bulletin A340-32-4083) has been accomplished: Prior to the accumulation of 1,020 flight cycles on the CLG, or within 7 days after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracking of the right inboard attachment lug of the main fitting of the CLG, in accordance with Airbus Service Bulletin A340-32-4091, Revision 01, dated June 3, 1998.

(c) If any cracking is found during any inspection required by paragraph (a) or (b) of this AD: Prior to further flight, replace the CLG with a new or serviceable CLG in accordance with Airbus Service Bulletin A340-32-4091, Revision 01, dated June 3, 1998; or accomplish the optional terminating action specified in paragraph (e).

Note 3: Accomplishment of the detailed visual inspections or replacement of the CLG in accordance with Airbus Service Bulletin A340-32-4091, dated February 17, 1997, is acceptable for compliance with the actions specified by paragraphs (a), (b), and (c) of this AD.

(d) Repeat the inspections required by paragraph (a) or (b), as applicable, at intervals not to exceed 7 days until accomplishment of the optional terminating action specified in paragraph (e) of this AD.

Optional Terminating Action

(e) Installation of an improved CLG in accordance with Airbus Service Bulletin A340-32-4097, Revision 01, dated April 16, 1998, or Revision 02, dated June 24, 1998, constitutes terminating action for the repetitive inspection requirement of paragraph (d) of this AD.

Alternative Methods of Compliance

(f) 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, International Branch, ANM-116, 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, International Branch, ANM-116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

(g) Special flight permits may be issued in accordance with §§ 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.

Incorporation by Reference

(h) The actions shall be done in accordance with Airbus Service Bulletin A340-32-4091, Revision 01, dated June 3, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in French airworthiness directive 97-363-076(B) R2, dated July 15, 1998, as revised by Erratum, dated August 12, 1998.

(i) This amendment becomes effective on October 5, 1999.

Issued in Renton, Washington, on September 8, 1999.

D.L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-23995 Filed 9-17-99; 8:45 am]

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DEPARTMENT OF STATE

22 CFR Part 40

[Public Notice 3105]

RIN 1400-AA79

VISAS: Regulations Regarding Public Charge Requirements Under the Immigration and Nationality Act, as Amended

AGENCY: Bureau of Consular Affairs, State.

ACTION: Final rule.

SUMMARY: This final rule amends Department of State regulations pertaining to the issuance of visas by establishing uniform procedures for the acceptance of affidavits of support by consular posts abroad as required by the Immigration and Nationality Act (INA). Publication of this rule is necessary to ensure proper adjudication of immigrant