(12) All submittals or notifications required to be submitted to the Administrator by this regulation shall be sent to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Technical Branch, Technical Analysis Section (A–4–3) Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105.

(g) *Regulation for the prevention of air pollution emergency episodes—Priority II particulate matter emergency episode contingency plan.* (1) The requirements of this paragraph are applicable in the Sacramento County Air Pollution Control District.

(2) For the purposes of this paragraph the following episode criteria shall apply:

Pollutant	Averaging time (hours)	Stage 1	Stage 2	Stage 3
Particulate matter....	24	[1]375	[1]625	[1]875

[1] Micrograms per cubic meter.

(3) Whenever it is determined that any episode level specified in subparagraph (2) of this paragraph is predicted to be attained, is being attained, or has been attained and is expected to remain at such levels for 12 or more hours, the appropriate episode level shall be declared.

(4) Whenever the available scientific and meteorological data indicate that any episode level specified in subparagraph (2) of this paragraph is no longer being attained and is not predicted to increase again to episode levels, such episode shall be declared terminated.

(5) The following shall be notified whenever an episode is predicted, attained, or terminated:

(i) Public officials.

(ii) Public health, safety, and emergency agencies.

(iii) News media.

* * * * *

[FR Doc. 80–12588 Filed 4–23–80; 8:45 am]

BILLING CODE 6560–01–M

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40 CFR Part 52

[FRL 1463–1]

Approval and Promulgation of Implementation Plans; Emergency Episodes; Monterey Bay Unified Air Pollution Control District, California

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve the emergency episode rules of the Monterey Bay Unified Air Pollution Control District (MBUAPCD), submitted by the Governor's designee on November 4, 1977, and to promulgate additional regulations. The effect of this action is to provide air pollution emergency episode rules which meet all the requirements of 40 CFR 51.16.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT: Rodney L. Cummins, Chief (A–4–3), Technical Analysis Section, Air Technical Branch, Air & Hazardous Materials Division, EPA Region IX, 215 Fremont Street, San Francisco, Calif. 94105, Phone: (415) 556–2002.

SUPPLEMENTARY INFORMATION: This rulemaking arose out of litigation in *California Lung Association el al.* v. *Costle,* Civil No. 75–1044–WPG, and is required under the Stipulation for Modification of Joint Stipulation of Settlement and Order Modifying Findings of Fact and Conclusions of Law, signed in August 1979 by the counsels for the Administrator and for the California Lung Association, which stated that the EPA would have to review regulations for only 12 Air Pollution Control Districts. This final rulemaking and its associated documents satisfy in part the Settlement between the EPA and the California Lung Association. (For a more detailed description of the litigation, see 44 FR 30118.)

On May 24, 1979 (44 FR 30115) the EPA published a Notice of Proposed Rulemaking (NPR) concerning air pollution emergency episode rules in the MBUAPCD. That notice proposed to approve the MBUAPCD's Regulation VII (consisting of Rules 700 through 713), Emergencies, and to promulgate additional rules in conformance with 40 CFR 51.16, Prevention of air pollution emergency episodes.

The May 24, 1979 Notice invited public comments on the proposed rulemaking. No comments were received during the 60-day public comment period.

In that publication, the last page of the typed NPR was inadvertently omitted. That page included five rules ([3](v), (3)(vi), (3)(vii), (4) and (5)) which EPA was proposing to promulgate to correct deficiencies in the MBUAPCD's emergency episode rules.

Among the rules omitted, the only rule of significance is the one pertaining to Third-Stage oxidant episode actions. The NPR preamble explained that EPA was proposing this rule and described the particular control measure. All of the omitted rules are typical of those which EPA has promulgated for emergency episode contingency plans for other Districts in California. Therefore, EPA finds that the public has received adequate notice of these rules, and further public notice is unnecessary.

As described in the May 24, 1979 Notice, Regulation VII fulfills, in part, the requirements of 40 CFR 51.16 and is therefore being approved. Also as described in that Notice, additional rules are being promulgated by the EPA so that all requirements of 40 CFR 51.16 are met, including more specific curtailment plans, a time schedule for submittal and review of curtailment plans, mandatory abatement actions for Third-Stage episodes, and acquisition and updating of meteorological forecasts.

The EPA has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

(Sections 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)))

Dated: April 16, 1980.

Douglas M. Costle,

Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

PART 52—APPROVED AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart F—California

1. Section 52.220 is amended by adding paragraph (c)(42)(xxii) as follows:

§ 52.220 Identification of plan

* * * * *

(c) * * *

(42) * * *

(xxii) Monterey Bay Unified APCD.

(A) Regulation VII, Rules 700–713.

* * * * *

2. Section 52.274 is amended by adding paragraphs (a)(3), (h) and (i) as follows:

§ 52.274 California air pollution emergency plan.

* * * * *

(a) * * *

(3) Monterey Bay Unified APCD (MBUAPCD).

* * * * *

(h) The requirements of § 51.16 of this chapter are met in the MBUAPCD which the following exceptions: There is no time schedule to assure that stationary source and traffic curtailment plans are submitted and reviewed in a timely manner; curtailment plans are not sufficiently specific; there are no

provisions for the acquisition of forecasts of atmospheric stagnation conditions; and adequate mandatory emission control actions are not specified for Third-Stage oxidant episodes.

(i) *Regulation for prevention of oxidant air pollution emergency episodes within the MBUAPCD.*

(1) The requirements of this paragraph are applicable in the MBUAPCD.

(2) For the purposes of this regulation the following definitions apply:

(i) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(ii) "Major national holiday" means a holiday such as Christmas, New Year's Day or Independence Day.

(iii) "Regulation VII" in this paragraph means Regulation VII, "Emergencies", of the MBUAPCD, adopted May 25, 1977, and submitted to the Environmental Protection Agency as a revision to the California State Implementation Plan by the California Air Resources Board on November 4, 1977.

(3) The plans required by Rule 705(a) of Regulation VII shall include the following information in addition to that required in Rule 705(b) of Regulation VII, and shall be submitted and processed as follows:

(i) Stationary sources.

(A) The total number of employees at the facility during each shift:

(*1*) On a normal weekday.

(*2*) On a major national holiday.

(B) The amount and type of fuel used:

(*1*) On a normal weekday.

(*2*) On a major national holiday.

(C) For Third-Stage episodes:

(*1*) A list of equipment and the permit numbers of such equipment not operated on a major national holiday.

(*2*) A statement as to whether or not the facility operates on a major national holiday.

(ii) Indirect sources.

(A) The total number of employees at the facility during each shift:

(*1*) On a normal weekday.

(*2*) On a major national holiday.

(B) The number of motor vehicles and vehicle miles traveled for motor vehicles operated:

(*1*) By the company, on company business, on a normal weekday and on a major national holiday.

(*2*) By employees commuting between home and the place of business on a normal weekday and on a major national holiday.

(C) The number of parking spaces:

(*1*) Available.

(*2*) Normally used on a weekday.

(*3*) Normally used on a major national holiday.

(D) The minimum number of motor vehicles to be operated that are necessary to protect the public health or safety.

(E) For Third-Stage episodes, a statement as to whether or not the facility operates on a major national holiday.

(iii) Each owner or operator required to submit a plan as specified under Rule 705(a) of Regulation VII shall submit such plans within 60 days after promulgation of the final rulemaking.

(iv) The plans submitted in accordance with the provisions of this paragraph shall be approved or disapproved by the Administrator within 120 days after receipt.

(v) Each owner or operator required to submit a plan as specified under Rule 705(a) of Regulation VII shall be notified within 90 days after the Administrator's decision.

(vi) Any plan disapproved by the Administrator shall be modified to overcome this disapproval and resubmitted to the Administrator within 30 days of the notice of disapproval.

(vii) A copy of the plan approved in accordance with the provisions of this paragraph shall be on file and readily available on the premises to any person authorized to enforce the provisions of this section.

(4) The following actions shall be implemented by the Administrator upon declaration of a Third-Stage oxidant episode: the general public, schools, industrial, business, commercial, and governmental activities throughout the MBUAPCD shall operate as though the day were a major national holiday.

(5) The Administrator shall ensure the acquisition of forecasts of atmospheric stagnation conditions during any episode stage and updating of such forecasts.

* * * * *

[FR Doc. 80-12613 Filed 4-23-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 81

[FRL 1456-2]

Final Rulemaking for the Missouri State Implementation Plan; Correction

AGENCY: U.S. Environmental Protection Agency.

ACTION: Correction.

SUMMARY: The following correction is to be made in the Agency's Missouri State Implementation Plan final rule that appeared in the **Federal Register** on Friday, April 4, 1980 (45 FR 22929).

DATE: This correction is effective April 23, 1980.

FOR FURTHER INFORMATION CONTACT: Wayne Leidwanger, Air and Hazardous Materials Division, Environmental Protection Agency, Region 7, Kansas City, Missouri 64106, (816) 374-3791.

Brenda Greene,

Office of Regional Liaison.

The following table was inadvertently omitted from the end of the document:

Missouri—SO_2

Designated area	Does not meet primary standard	Does not meet secondary standard	Cannot be classified	Better than national standard
St. Louis "Hotspot" (an area of approximately one mile radius at the confluence of River Des Peres and the Mississippi River)	X	.....	.....	.....
Remainder of State.....	.....	.....	.....	X

* * * * * * *

[FR Doc. 80-12495 Filed 4-22-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 9F2208/R241; FRL 1473-3]

Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Aqueous Extract of Seaweed Meal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the plant growth regulator aqueous extract of seaweed meal. The request was submitted by the Atlantic and Pacific

Research, Inc. This amendment to the regulation eliminates the need to establish a maximum permissible level for residues of the aqueous extract of seaweed meal.

EFFECTIVE DATE: This rule is effective April 24, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor, Product Manager (PM–25), Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460, 202/755–2196.

SUPPLEMENTARY INFORMATION: On July 16, 1979, notice was given (44 FR 41329) that Atlantic and Pacific Research, Inc., P.O. Box 14366, North Palm Beach, Florida 33408, had filed a pesticide petition (PP 9F2208) with EPA. This petition proposed the establishment of an exemption from the requirement of tolerances for the combined residues of the plant regulator aqueous extract of seaweed meal derived from *Laminaria digitata, Laminaria hyperborea, Fucus serratus,* and *Ascophyllum nodosum* when used in or on the raw agricultural commodities peaches, peanuts, apples, corn, wheat, celery, grapes, carrots, peppers, soybeans, and strawberries.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of tolerance included an acute oral lethal dose (LD_{50}) study in albino rats with an LD_{50} greater than 15,380 millogram/kilogram (mg/kg) of body weight (bw) and an eye irritation study. All other toxicology studies and requirements, including long- and short-term feeding studies and a three-generation reproduction study, were waived by the Deputy Assistant Administrator for Pesticide Programs in accordance with the provisions of 40 CFR 162.8 as communicated in a memorandum on January 19, 1978. The requirement of an adequate analytical method for enforcement purposes is also waived. These requirements are waived because aqueous extract of seaweed meal is a derivative of a human food. The marine algae species *Laminaria digitata, Laminaria hyperborea, Fucus serratus,* and *Ascophyllum nodosum* from which the product is derived are identical, or closely related to, species used for human consumption and livestock and poultry feeds. The product which is derived from these species, would not appear to present an unacceptable hazard to humans (and fish and wildlife) since the algae are used as a normal dietary item. It is reasonable to assume that no adverse environmental effects are anticipated from an extract of a nontoxic plant material containing only natural materials of a nature common to members of the plant kingdom and subject to the usual known routes of natural degradative processes.

An exemption from the requirement of tolerance have previously been established for residues of the extract when used on oranges, potatoes, sugarbeets, and tomatoes. No actions are pending against registration of the pesticide, nor any desirable data lacking from the petition, or are any other considerations involved in establishing the proposed exemption.

The pesticide is considered useful for the purpose for which an exemption from the requirement of a tolerance is sought, and it is concluded that the exemption will protect the public health.

Any person adversely affected by this regulation may, on or before May 27, 1980, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective April 24, 1980, Part 180, is amended by revising § 180.1042 as set forth below.

Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2))

Dated: April 17, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

§ 180.1042 Aqueous extract of seaweed meal; exemption from the requirement of a tolerance.

Aqueous extract of seaweed meal derived from *Laminaria digitata, Laminaria hyperborea, Fucus serratus,* and *Ascophyllum nodosum* is exempted from the requirement of a tolerance when used as a plant growth regulator in or on the raw agricultural commodities applies, carrots, celery, corn, grapes, oranges, peaches, peanuts, peppers, potatoes, soybeans, strawberries, sugarbeets, tomatoes, and wheat.

[FR Doc. 80–12580 Filed 4–23–80; 8:45 am]

BILLING CODE 6560–01–M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 48, Supp. 1]

Revised Data Requirement; Supplement to Temporary Regulations

AGENCY: General Services Administration.

ACTION: Supplement to temporary regulation.

SUMMARY: This supplement to FPR Temporary Regulation 48 provides that the requirement previously imposed on offerors to furnish their Dun and Bradstreet Data Universal Numbering System (DUNS) Contractor Establishment Numbers is now limited to Government contractors receiving awards in excess of $10,000, provided numbers have already been assigned. The Government will obtain the numbers for those who have not been assigned a number. This action is based on a request by the Acting Director of the Federal Procurement Data Center. The effect will be to eliminate a reporting requirement which is no longer necessary.

DATES: Effective date: May 19, 1980. Expiration date: This supplement to FPR Temporary Regulation 48 expires on May 19, 1982.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703–557–8947).

SUPPLEMENTARY INFORMATION: The expiration date for FPR Temporary Regulation 48 is extended to May 19, 1982.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 1, the following supplement to FPR Temporary Regulation 48 is added to the appendix at the end of the chapter.

General Services Administration, Washington, DC 20405

Federal Procurement Regulations Temporary Regulation 48, Supplement 1

To: Heads of Federal agencies.

Subject: Revised data requirement.

April 10, 1980.

1. *Purpose.* This supplement revises one of the four data requirements prescribed by FPR Temporary Regulation 48.

2. *Effective date.* This supplement to Temporary Regulation 48 is effective May 19, 1980.

3. *Expiration date.* This supplement to Temporary Regulation 48 will expire on May 19, 1982.

4. *Background.* FPR Temporary Regulation 48 added four data submission requirements to Federal solicitations and contracts. Currently, FPR Temporary Regulation 48 requires offerors to furnish their Dun and Bradstreet Data Universal Numbering System (DUNS) Contractor Establishment Numbers. The Acting Director, Federal Procurement Data Center (FPDC) has requested that the DUNS Number requirement be limited to Government contractors receiving awards in excess of $10,000, provided numbers have already been assigned. The Government will obtain the number for those contractors who have not been assigned a number. This supplement satisfies that request. There is no charge to contractors for DUNS numbers for purposes of Government contracts.

5. *Explanation of changes.* This supplement makes the following changes to Temporary Regulation 48.

a. Paragraph 5b is revised to require agencies to use the DUNS Number when reporting data to the Federal Procurement Data Center, and now reads as follows:

b. Section 1–1.341 is revised as follows:

§ 1-1.341 Federal Procurement Data System.

(a) Agencies shall report data to the Director, Federal Procurement Data Center (FPDC), 1815 North Lynn Street, Suite 320, Arlington, Virginia 22209. The report is required by the Federal Procurement Data System which was established by a February 3, 1978, memorandum from the Office of Federal Procurement Policy (OFPP) to heads of executive departments and agencies.

(b) When reporting data on contract awards in excess of $10,000, agencies shall use the Dun and Bradstreet Data Universal Numbering System (DUNS) Contractor Establishment Number. Contracting officers shall endeavor to obtain the DUNS number from the contractor if that contractor has been assigned a DUNS number. When the contractor has not been assigned or fails to furnish a DUNS number, the contracting officer shall consult the DUNS alphabetical listing of contractor establishments in the DUNS contract identification file. If the listing has no number for the contractor's establishment, the contracting officer may obtain a DUNS number for the contractor by contacting the Dun and Bradstreet representative as follows:

(1) Automatic answer telecopier 202–696–4878;

(2) Mail to Federal Procurement Data Center (FPDC), 1815 North Lynn Street, Arlington, Virginia 22209;

(3) Autovon (22)6–5067;

(4) Commercial Telephone 202–696–5067.

(c) The data provided for the Federal Procurement Data System will be in addition to the submission for Standard Form 37, Report on Procurement by Civilian Executive Agencies, and Standard Form 37A, Report on "Procurement by Executive Agencies (Supplement to Report on Procurement by Civilian Executive Agencies for Procurements in Excess of $10,000)."

b. Paragraph 5f is revised to delete references to the DUNS number requirement and now reads as follows:

"f. Section 1–16.101 is amended by revising paragraphs (a) and (d) as follows:

§ 1-16.101 Contract forms.

* * * * *

(a) Solicitation, Offer, and Award (Standard Form 33, March 1977 edition). Pending the publication of a new edition of the form, the representations, Woman-owned Business, prescribed by § 1–1.340; and Percent of Foreign Content, prescribed by § 1–6.106; shall be added to the representations and certifications on the form. To the provisions that appear on page 1 of the form, add the requirement that each contractor receiving an award over $10,000 will be requested to identify its Principal Place of Performance and furnish its DUNS number if one has been assigned.

* * * * *

(d) Award/Contract (Standard Form 26, July 1966 edition). Pending the publication of a new edition of the form, add to the provisions that appear on page 1 of the form, the requirement that each contractor receiving an award over $10,000 will be requested to identify its Principal Place of Performance and furnish its DUNS number if one has been assigned."

* * * * *

c. Paragraph 5g is revised to delete the reference to the DUNS number requirement and now reads as follows:

"g. Section 1–16.201–1 is revised as follows:

§ 1-16.201-1 Forms prescribed.

Request for Quotations (Standard Form 18, February 1977 edition) is prescribed for use in obtaining price, delivery, and related information from suppliers in accordance with this section. Pending the publication of a new edition of the form, the representations, Woman-owned Business, prescribed by § 1–1.340; and Percent of Foreign Content, prescribed by § 1–6.106; shall be added to the representations and certifications that appear on the form. Standard Form 36, Continuation Sheet, may be used with the Request for Quotations form when additional space is needed."

d. Paragraph 5h is revised to include a $10,000 floor regarding the DUNS number requirement and now reads as follows:

"h. Section 1–16.401 is amended by adding a sentence to the end of paragraphs (a), (e), and (g), and by revising paragraph (c) as follows:

§ 1-16.401 Forms prescribed.

* * * * *

(a) * * *

To the provisions that appear on page 1 of the form, add the requirement that each contractor receiving an award over $10,000 will be requested to identify its Principal Place of Performance and furnish its DUNS number if one has been assigned.

* * * * *

(c) Representations and Certifications (Construction and Architect-Engineer Contract) (Standard Form 19–B, June 1976 edition). Pending the publication of a new edition of the form, the representations, Woman-owned Business (see § 1–1.340) and Percent of Foreign Content (see § 1–18.607) shall be added to the representations and certifications that appear on the form.

* * * * *

(e) * * *

To the provisions that appear on page 2 of the form, add the requirement that each contractor receiving an award over $10,000 will be requested to identify its Principal Place of Performance and furnish its DUNS number if one has been assigned.

* * * * *

(g) * * *

To the provisions that appear on page 2 of the form, add the requirement that each contractor receiving an award over $10,000 will be requested to identify its Principal Place of Performance and furnish its DUNS number if one has been assigned.

e. Paragraph 5i is revised to delete the last paragraph which refers to the DUNS Contractor Establishment Number.

f. Paragraph 6 is revised to delete the reference to labor surplus area subcontract data. As revised, the paragraph reads as follows:

"6. *Agency action.*

(a) Except for the DUNS number requirement, agencies shall employ the data requirements referenced in paragraph 4 in conjunction with the use

of Standard Forms 18, 19, 19B, 21, 26, and 33, as provided in this Temporary Regulation 48 and Supplement 1.

(b) Agencies shall employ the DUNS contractor establishment number when reporting data on contracts in excess of $10,000 to the Director, Federal Procurement Data Center (see paragraph 5a of this supplement).

(c) The data requirements regarding the woman-owned businesses also shall be included on Standard Form 129.

(d) A later revision of Standard Form 37 will provide a block for the reporting of data regarding women-owned businesses. Pending the issuance of this later revision, agencies should report the data on the form under "Remarks."

(e) Agencies shall not recognize handicapped organizations or handicapped individuals as being eligible to participate in small business set-asides. This reflects the expiration of the statutory authority for such recognition."

6. *Effect on other directives.* The expiration date for Temporary Regulation 48 is extended to May 19, 1982.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-12568 Filed 4-23-80; 8:45 am]

BILLING CODE 6820-61-M

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41 CFR Part 101-26

[FPMR Amdt. E-237]

Procurement of GSA Stock Items; Substitution of Items Ordered From GSA Stock

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation contains changes in the policy of issuing substitute items when filling requisitions for GSA stock items by providing for the issuance of returned stock in serviceable condition and limiting the use of a notice of intent to substitute. Before this regulation, stocks of returned items in serviceable condition often were not used. This regulation provides for the use of returned items whenever feasible, thereby reducing Government acquisition costs.

EFFECTIVE DATE: April 24, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John K. Carney, Director of Supply Policy (703-557-0393).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Section 101-26.304 is revised to read as follows:

§ 101-26.304 Substitution policy.

In supplying items requisitioned from GSA stock, GSA may substitute items with similar characteristics. Substitute items may be issued from new stock or from returned stock that is in serviceable condition (condition code A) as described in § 101-27.503-1. A notice of intent to substitute will be provided to the ordering activity only if the characteristics of the substitute item differ substantially from the characteristics of the item requisitioned. Ordering activities may prevent substitution by entering advice code 2B (do not substitute) or 2J (do not substitute or backorder) in cc 65-66 of requisitions.

(Sec. 205(c), 63 stat. 390; (40 U.S.C. 486(c)))

Dated: April 14, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-12566 Filed 4-23-80; 8:45 am]

BILLING CODE 6820-24-M

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41 CFR Part 101-42

[FPMR Amdt. H-121]

Property Rehabilitation Services and Facilities; Property Rehabilitation Sources

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation amends the Federal Property Management Regulations by providing greater clarification of GSA and other Federal agency responsibilities regarding compliance with GSA requirements surveys, requests for waivers, contract administration, and other minor changes. These changes are being made as a result of GSA contractor audits and GAO reports, which have indicated a number of areas requiring improvement, particularly with regard to clarifying responsibilities for contract administration and prescribing agency compliance with GSA surveys of maintenance and repair needs. By better defining these responsibilities, these changes will reemphasize and improve the management of the property rehabilitation program.

EFFECTIVE DATE: April 24, 1980.

FOR FURTHER INFORMATION CONTACT: M. J. Dee, Acting Director, Property Rehabilitation Division (703-557-0466).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

1. The table of contents for Part 101-42 is amended by adding or revising the following entries:

Sec.
101-42.100 Scope of subpart.
101-42.102-1 Mandatory source provisions.
101-42.102-2 Requests for waivers.
101-42.102-3 Optional use provisions.
101-42.102-4 Contract administration.
101-42.103 [Deleted]

Subpart 101-42.1—Sources of Property Rehabilitation Services

2. Section 101-42.100, previously reserved, is added to read as follows:

§ 101-42.100 Scope of subpart.

This subpart prescribes the policies and procedures for obtaining maintenance, repair, rehabilitation, and reclamation services.

3. Section 101-42.101 is amended by revising paragraph (c) and adding paragraph (d) to read as follows:

§ 101-42.101 General.

* * * * *

(c) GSA regional Federal Property Resources Service offices periodically survey Federal agencies within specific areas to obtain estimates of agency maintenance and repair needs for the coming year. To assist GSA in providing appropriate contract coverage at a reasonable cost, Federal agencies shall provide as accurate information as possible in response to these surveys.

(d) A Federal agency may request in writing that GSA develop sources of services, evaluate contractor capabilities, and conduct surveys or studies to justify establishing term contracts for services not available at the time the needs arise.

4. Section 101-42.102 is amended by deleting paragraph (d) as follows:

§ 101-42.102 GSA term contracts for services.

* * * * *

(d) [Deleted].

5. Section 101-42.102-1 is recaptioned and revised to read as follows:

§ 101-42.102-1 Mandatory source provisions.

GSA term contracts shall be used as the primary source for meeting executive agencies' requirements in the areas of maintenance, repair, rehabilitation, and reclamation of personal property, to the extent

provided for in these contracts. These term contracts and covering price schedules are mandatory for agencies in the geographic areas designated. However, existing contracts to which those agencies are parties at the time the term contacts become effective will continue in effect until completion of these existing contracts.

6. Section 101–42.102–2 is recaptioned and revised to read as follows:

§ 101–42.102–2 Requests for waivers.

When an agency determines that services available from an existing term contract will not fill its needs, a request to waive the mandatory usage requirement shall be submitted for approval to the appropriate GSA regional Director, Personal Property Division, Federal Property Resources Service. This request shall specify the quantities involved, describe the difference between the services required and those listed in the term contract, and give the reasons why the services will not meet the requirements. Agencies shall not initiate action to procure similar services from non-GSA sources until a request for a waiver has been approved. Waivers are not required in the case of public exigencies.

7. Section 101–42.102–3 is recaptioned and revised to read as follows:

§ 101–42.102–3 Optional use provisions.

GSA term contracts contain provisions whereby, in addition to the agencies included under the mandatory source provision, all agencies and activities of the Federal Government, including the legislative and judicial branches, and other activities for which GSA is authorized by law to procure, may place orders under these contracts.

8. Section 101–42.102–4 is added as follows:

§ 101–42.102–4 Contract administration.

(a) Unless otherwise specified, agency activities using a GSA term contract as prescribed in this Subpart 101–42.1 shall have primary responsibility for the administration of purchase orders placed under the contract and shall deal directly with the contractor concerned as prescribed in § 101–26.403. This responsibility includes placing orders, making payments, and inspecting and accepting or rejecting the services performed. A using activity may also make price adjustments for non-conforming services or require the correction of these services when appropriate. It may terminate one or more purchase orders (but not the entire contract) for default when warranted, and charge the contractor with any resulting excess costs from obtaining replacement services, according to the provisions of the applicable price schedule. The GSA regional Federal Property Resources Service office shall be notified of any price adjustments, corrections, or purchase order terminations for default. Procedures for these contract administration functions are explained in further detail in the term contract price schedules described in § 101–42.102 (a), (b), and (c).

(b) GSA regional Federal Property Resources Service offices will provide the overall administration of service contracts prescribed in this subpart. Specifically, GSA will serve as liaison, when necessary, between the contractor and using activities and assist in resolving any issues that arise concerning contract performance. GSA will assist in expediting orders when needed and ensure compliance with contract requirements through periodic visits to contractor facilities and the sampling of using activity evaluations. GSA will also be responsible for termination of a service contract when warranted.

9. Section 101–42.103 is deleted as follows:

§ 101–42.103 [Deleted]

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: April 15, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80–12565 Filed 4–23–80; 8:45 am]

BILLING CODE 6820–96–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 81

[FCC 80–212]

Stations on Land in the Maritime Services and Alaska-Public Fixed Stations; Expanding the Authorized Bandwidth for Coast Radiotelegraph Station Transmitters From 0.3 kHz to 0.4 kHz

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends the rules to expand the authorized bandwidth for coast radiotelegraph station transmitter using Al emissions, from 0.3 kHz to 0.4 kHz. This action was initiated by the FCC staff. It will provide consistency in the rules (ship station transmitters using Al emissions presently have an authorized bandwidth of 0.4 kHz) and aid coast radiotelegraph station licensees in their efforts to update transmitters to meet type acceptance requirements.

EFFECTIVE DATE: June 2, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Walter E. Weaver, Private Radio Bureau or Robert H. McNamara, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 81.133 of the rules to expand the authorized bandwidth for coast radiotelegraph station transmitters from 0.3 kHz to 0.4 kHz.

Order

Adopted: April 15, 1980.
Released: April 22, 1980.

Summary

1. This Order will relax the technical requirements concerning coast radiotelegraph station transmitters which utilize Al emissions (i.e., transmit Morse code).[1] The authorized bandwidth will be expanded from 0.3 kHz to 0.4 kHz.

Background

2. Currently, ship radiotelegraph station transmitters which utilize Al emissions have an authorized bandwidth of 0.4 kHz.[2] The authorized bandwidth for ship station Al transmitters was expanded from 0.3 kHz to 0.4 kHz in Docket No. 20813.[3] Essentially, the purpose was to avoid the penalty (in terms of loss of power output) resulting from the filtering of the keying voltage/pulse to attenuate spurious emissions (i.e., emissions outside the 0.3 kHz authorized bandwidth). No negative effects have resulted from this relaxation of the rules.

3. It now appears that a number of licensees of public coast radiotelegraph stations who are updating Al transmitters to meet type acceptance requirements [4] are having difficulty achieving and maintaining the spurious emission limitations imposed by the 0.3 kHz authorized bandwidth rule.

[1] The Al emission symbolizes amplitude modulations of the main carrier, and telegraphy without the use of a modulating audio signal. In the instant matter we are concerned primarily with manual Morse code communications between coast and ship stations.

[2] Section 83.133; 47 CFR 83.113.

[3] *Report and Order*, Docket No. 20813, adopted June 2, 1977, 42 FR 31000, 65 F.C.C. 2d 49.

[4] The requirement for coast radiotelegraph station transmitters to be type accepted (Rule 81.137(d)) became effective February 27, 1979. See *Memorandum Opinion and Order* Docket No. 19544, adopted February 22, 1978, 43 FR 10344, 67 F.C.C. 2d 790. A number of these transmitters are still operating under a temporary waiver of the type acceptance requirements.

4. The expansion of the authorized bandwidths to 0.4 kHz for coast station Al transmitters not only will provide consistency in the Maritime Mobile Service but also will significantly reduce the difficulties encountered by licensees in achieving type acceptance. Furthermore, no adverse impact will be encountered in the maritime or other radio services. Thus, we believe it is in the public interest to relax the rules and expand the authorized bandwidth for coast station Al transmitters to 0.4 kHz.

Action

5. Regarding questions on matters covered in this document contact Walter E. Weaver or Robert McNamara, telephone (202)–632–7175.

6. Accordingly, *it is ordered,* That under the authority contained in Section 4(i) and 303(r) of the Communications Act of 1934, as amended, the Commission's rules are amended as set forth in the attached Appendix, effective June 2, 1980. Since this amendment relaxes a regulatory restriction and affects only the licensees of the few U.S. public coast radiotelegraph stations, the notice and public procedures requirements contained in 5 U.S.C. 553 are unnecessary. Authority for this action is contained in § 1.412(c) of the Commission's rules.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

In § 81.133, the table in paragraph (a) is amended by changing the authorized bandwidth in the first line from 0.3 to 0.4, to read as follows:

§ 81.133 Authorized bandwidth.

(a) * * *

Classes of emission	Emission designator	Authorized bandwidth kHz
Al	0.16 A1	0.4
* * * * *		

* * * * *

[FR Doc. 80–12583 Filed 4–23–80; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 45, No. 81
Thursday, April 24, 1980

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 ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-78-18-B]

Mandatory Petroleum Price Regulations; Production Incentives for Marginal Properties

AGENCY: Economic Regulatory Administation, Department of Energy.

ACTION: Notice of Proposed Rulemaking and Public Hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a proposed rulemaking and public hearing for the purpose of determining whether amendments should be adopted to the "marginal property" classification. The proposal would amend the qualifying limits set forth in the definition of a marginal property to provide crude oil production incentives that are more adequately tailored to production costs at average completion depths of 10,000 feet or more. The proposed rule would revise the definition of a "marginal property" by increasing the present qualifying limit on average daily production per well of 35 barrels during calendar year 1978 for properties with an average completion depth of 8,000 feet and below by an additional five barrels per day for each 2,000 foot increment at depths below 8,000 feet. As proposed, the amendments would become effective on the publication date of this notice.

DATES: Comments by May 19, 1980, 4:30 p.m.; Requests to speak by May 6, 1980, 4:30 p.m.; *New Orleans Hearing:* May 13, 1980, 9:30 a.m.

ADDRESSES: All Comments to: Public Hearing Management, Docket No. ERA-R-78-18B, Department of Energy, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461. Requests to speak: *New Orleans Hearing:* Department of Energy Regional Office, 2626 W. Mockingbird Lane, P.O. Box 35228, Attn: Mac L. Lacefield, Dallas, Texas 75235. *Hearing Location:* F. Edward Hebert Building, Room 631, 600 South Street, New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), Economic Regulatory Administration, 2000 M Street, N.W., Room 2215B, Washington, D.C. 20461, (202) 653-3757.

William Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street, N.W., Room B110, Washington, D.C. 20461, (202) 653-4055.

William Carson or Douglas Harnish (Office of Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street, N.W., Room 7302, Washington, D.C. 20461, (202) 653-3202.

Lynette A. Charboneau (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Room 5E052, Washington, D.C. 20585, (202) 252-2933.

SUPPLEMENTARY INFORMATION:

I. Introduction

On April 5, 1979, the Economic Regulatory Administration (ERA) amended the Mandatory Petroleum Price Regulations (10 CFR Part 212) to create a category of marginal properties (44 FR 25160, April 27, 1979). As set forth in 10 CFR 212.72, "marginal property" is defined to include a property for which the average daily production of crude oil per well at a certain average completion depth did not exceed a specified number of barrels during calendar year 1978. Effective June 1, 1979, the base production control level for a marginal property is defined in § 212.72 so as to allow most of the crude oil produced and sold from such a property to be classified as new crude oil and sold at upper tier ceiling prices with the remainder to become so eligible effective January 1, 1980. This action was effectively postponed by the President's Executive Order 12187 (45 FR 3, January 2, 1980) and the base production control level for marginal properties is currently maintained at 20 percent. The April 5 amendments sought to maintain and to increase marginal domestic crude oil production with price incentives that more closely correspond to costs of production at different well depths. The full background of the marginal property rule is set forth in the preamble to the April 5 amendments and in the Notice of Proposed Rulemaking and Public Hearing (43 FR 52186, November 8, 1978). That discussion is incorporated herein by reference.

II. Proposal

The April 5 amendments established certain qualifying limits for a marginal property. Section 212.72 defines marginal property as follows:

"Marginal property" means a property whose average daily production of crude oil (excluding condensate recovered in non-associated production) per well during calendar year 1978 did not exceed the number of barrels shown in the following table for the corresponding average completion depth:

Table

Average completion depth in feet	Barrels per day
2,000 or more but less than 4,000	20 or less.
4,000 or more but less than 6,000	25 or less.
6,000 or more but less than 8,000	30 or less.
8,000 or more	35 or less.

The depth/volume scale set forth above was based upon a proposal that had been considered by the United States Congress which used a Texas Railroad Commission definition of "marginal wells" for allowable purposes. The November Notice specifically proposed this scale and requested comments on the economic basis for the qualifying limits as proposed. Further, the November Notice generally requested comments and information that established production costs at various average completion depths for purposes of determining the appropriate qualifying limits on average daily production.

Of primary concern to ERA in the rulemaking was confirmation of the relative increase in costs to depth completion between 2,000 and 10,000 feet, because the greatest amount of production was between those depths. While some commenters suggested that at depths below 10,000 feet the qualifying limits on production should be increased to account for greater costs, ERA did not feel it had received adequate comment on this issue to adopt such a proposal. Since adoption of the April 5 rule we have received further information and studied more closely the relationship between costs of

production and depths of completion below 10,000 feet, and we have concluded that the evidence suggests that changes to the definition of marginal property should be made with respect to properties with an average completion depth below 10,000 feet.

We are therefore proposing to amend the qualifying limits set forth in the definition of a marginal property to provide production incentives to crude oil producers that are more adequately tailored to production costs at depths below 10,000 feet. The proposed rule would revise the definition of a "marginal property" by increasing the present qualifying limit on average daily production per well of 35 barrels during calendar year 1978 for properties with an average completion depth of 8,000 feet and below by an additional five barrels per day for each 2,000 foot increment at depths below 8,000 feet. For example, any property with 40 barrels or less of average daily production per well during calendar year 1978 from an average completion depth of 10,000 feet or more would be classified as a marginal property under the proposed definition. Section 212.72 currently provides that any property that produced crude oil from an average completion depth of 8,000 feet or more during calendar year 1978 qualifies as "marginal" only if the average daily production during that time was 35 barrels or less.

Further comments are requested on the economic basis for the qualifying limits proposed in this Notice. We also request further information on establishing production costs for deep wells to aid us in determining whether the proposed qualifying production limits are appropriate.

We are currently proposing to make the amendments proposed in this Notice retroactive to the publication date of this Notice. This would create an immediate incentive for any operator of a property that would benefit from the proposed amendment to increase production in light of the higher price that could be obtained for crude oil produced from the property. However, comments are specifically requested as to the appropriateness of making the proposed amendment retroactive to June 1, 1979, the effective date of the current rule. Additionally, comments are sought as to whether the proposed rule, if adopted, should be implemented on a prospective basis only.

III. Written Comments and Public Hearing Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting data, views or arguments with respect to any matters relevant to this notice. Comments should be submitted by the date indicated in the "Dates" section of this notice and should be identified on the outside envelope and on the document with the docket number ERA–R–78–18B and the designation: "Production Incentives for Marginal Properties." Ten copies should be submitted.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

B. Public Hearing

1. *Procedure for Request to Make Oral Presentation*

If you have any interest in the matters discussed in this notice, or represent a group or class of persons that has an interest, you may request an opportunity to make an oral presentation by 4:30 May 6, 1980. You should also provide a phone number where you may be contacted through the day before the hearing.

If you are selected to be heard, you will be notified before 4:30 May 9, 1980, and will be required to submit one hundred copies of your statement to the hearing location by 8:30 on the morning of the hearing.

2. *Conduct of the Hearing*

We reserve the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An ERA official will be designated to preside at the hearing. This will not be a judicial-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

If you wish to ask a question at the hearing, you may submit the question, in writing, to the presiding officer. The ERA or, if the question is submitted at a hearing, the presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer. The question will be asked of the witness by the presiding officer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the ERA and made available for inspection at the DOE Freedom of Information Office, Room GA–152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript of the hearing from the reporter.

In the event that it becomes necessary for us to cancel the hearing, we will make every effort to publish advance notice in the **Federal Register** of such cancellation. Moreover, we will give actual notice to all persons scheduled to testify at the hearing. However, it is not possible to give actual notice of a cancellation or changes to persons not identified to us as participants. Accordingly, persons desiring to attend the hearing are advised to contact the DOE on the last working day preceding the date of the hearing to confirm that if will be held as scheduled.

IV. Procedural Matters

We have decided that the preparation of a regulatory analysis is not required for this proposal under Executive Order No. 12044, entitled "Improving Government Regulations" (43 FR 12661, March 24, 1978), or DOE's implementing Order 2030 (44 FR 1032, January 3, 1979). Our decision in this regard is based on the following determinations:

(1) The proposal is not likely to have a substantial effect on any of the objectives of national energy policy or energy statutes;

(2) The regulation is not likely to impose:

(a) Gross economic costs of $100 million per year; or

(b) A major increase in costs or prices for individual industries, levels of government, geographic regions, or demographic groups;

(3) The regulation is not likely to have an adverse impact on competition; and

(4) Neither the Secretary, Deputy Secretary, or Under Secretary of the DOE considers the regulation likely to have a major impact for any other reason.

Moreover, we have determined that the sixty days of publish comment, normally required under Executive Order 12044, is not applicable to this rulemaking. Section 6 of the Order states that closely related sets of regulations shall be considered together. This rulemaking is closely related to the earlier marginal wells rulemaking which provided a substantial comment period. The limited scope of this proposal, its limited impact both economically and with respect to the persons directly affected, and the fact that the issues involved in this proposal have already been subject to public comment in the earlier rulemaking, all suggest that 30 days of comment are fully sufficient to give full opportunity for public comment.

As required by section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. 787 *et seq.*, Pub. L. 93–275, as amended) a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. The EPA Administrator has responded that EPA has, at this time, no comments on the environmental effects of this proposal.

Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*, Pub. L. 95–91), we have referred this proposed rule, concurrently with the issuance hereof to the Federal Energy Regulatory Commission for a determination as to whether the proposed rule would significantly affect any matter within the Commission's jurisdiction. The Commission will have until the scheduled close of the public comment period on the proposal to make such a determination.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administraiton Act of 1974, 15 U.S.C. & 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–0385, Pub. L. 95–70, Pub. L. 95–619, and Pub. L. 96–30; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95–91, Pub. L. 95–509, Pub. L. 95–619, Pub. L. 95–620, and Pub. L. 95–621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, we propose to amend Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., April 16, 1980.

John C. Sawhill,

Deputy Secretary, Department of Energy.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Section 212.72 is amended by revising the definition of "Marginal property" to read as follows:

§ 212.72 Definitions.

* * * * *

"Marginal property" means: (a) with respect to months ending prior to ———— —, 1979, a property whose average daily production of crude oil (excluding condensate recovered in non-associated production) per well during calendar year 1978 did not exceed the number of barrels shown in the following table for the corresponding average completion depth:

Average completion depth in feet	Barrels per day
2,000 or more but less than 4,000	20 or less.
4,000 or more but less than 6,000	25 or less.
6,000 or more but less than 8,000	30 or less.
8,000 or more	35 or less.

(b) With respect to months commencing after ————, 1979, a property whose average daily production of crude oil (excluding condensate recovered in non-associated production) per well during calendar year 1978 did not exceed the number of barrels shown in the following table for the corresponding average completion depth:

Average completion depth in feet	Barrels per day
2,000 or more but less than 4,000	20 or less.
4,000 or more but less than 6,000	25 or less.
6,000 or more but less than 8,000	30 or less.
8,000 or more but less than 10,000	35 or less.
Each additional 2,000 foot interval	(1).

[1] An additional 5 barrels.

[FR Doc. 80–12643 Filed 4–23–80: 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No 79–NW–40–AD]

Airworthiness Directives; Boeing 707–100, 707–100B, 707–200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Withdrawal of Notice of Proposed Rulemaking (NPRM).

SUMMARY: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a repetitive low frequency eddy current inspection of the Boeing 707–100 and 707–200 wing upper surface skin splice at wing station 360 was published in the **Federal Register** (44 FR 76561, December 27, 1979).

Upon further consideration, and in the light of comments received in response to the Notice of Proposed Rulemaking, the agency has determined that the safety problem does not presently exist to the extent originally believed. Therefore, the proposed AD is not required at this time since there is no service experience which justifies it.

DATES: The withdrawal effective April 24, 1980.

FOR FURTHER INFORMATION, CONTACT: Mr. Harold N. Wantiez, P.E., Airframe Section, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington, 98108, telephone (206) 767–2516.

SUPPLEMENTARY INFORMATION:

History

Service experience has been very good on the 707–100 and 707–200 wing upper splice plate located at wing station 360. As a precautionary measure AD 74–10–09 (39 FR 16874, May 10, 1974) called for a one-time inspection of this splice by either X-ray or eddy current methods; however, no cracks were found as a result of this inspection. Recently several small cracks were reported in the wing station 360 splice on several different 707 aircraft. As a result, an NPRM was published in the **Federal Register** (44 FR 76561, December 27, 1979) which proposed a repetitive eddy current inspection of this splice.

Public Participation

All interested persons have been given an opportunity to participate in the making of this amendment and due consideration has been given to all matters presented. The Boeing Commercial Airplane Company commented and the Air Transport Association of America (ATA) commented on behalf of the principal U.S. operators.

Discussion of Comments

Both commenters oppose the AD. They point out that cracks in the splice plate were found when the joint was disassembled and inspected by high frequency eddy current methods during the incorporation of Service Bulletin 2576. They also state that the cracks found were too small to be detected by

low frequency eddy current which was the inspection technique proposed by the FAA. When the low frequency technique was used to inspect an airplane which had accumulated 60,000 hours and 30,000 landings, no cracks were found.

The ATA also pointed out an inspection of the wing station 360 splice is included in the Supplemental Inspection Document (SID) for the 707 aircraft. The ATA maintains that since they expect the SID to be implemented in the near future and since there is no immediate safety or service problem, an AD is not warranted at this time.

Conclusions

As both Boeing and ATA correctly point out, the only cracks discovered to date were found during joint disassembly and could not have been found using a low frequency eddy current inspection. The size of the cracks found were extremely small and did not represent a safety problem. Also, numerous inspections of this joint have been made on high time aircraft with no cracks found.

A final decision on the implementation of the SID has not yet been made. The FAA does not consider the expectation of the ATA, that it will be implemented in the near future, to be relevant to this proposed rule. However, based on the other data presented and service experience, the FAA finds an AD is not justified at this time and withdraws the NPRM. Withdrawal of this Notice of Proposed Rulemaking constitutes only such action and does not preclude the agency from issuing another notice in the future or commit the agency to any course of action in the future. In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, the proposed airworthiness directive published in the **Federal Register** (44 FR 76561, December 27, 1979) is hereby withdrawn.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89))

Issued in Seattle, Washington, on April 14, 1980.

C. B. Walk, Jr.,

Director Northwest Region.

[FR Doc. 80-12440 Filed 4-23-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-NW-22-AD]

Airworthiness Directives; Boeing Model 747

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: Airworthiness Directive 79-17-02 (Amendment 39-3526) requires inspection and replacement of the lower cargo door sill truss and latch support fittings. Paragraph D requires the replacement of all 7079-T6 aluminum fittings with 7075-T73 fittings by April 1, 1982. This proposed rule would eliminate the mandatory replacement and decrease the repetitive inspection intervals.

DATES: Comments must be received on or before June 1, 1980.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 80-NW-22-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION, CONTACT: Mr. William M. Perrella, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: AD 79-17-02 required a mandatory replacement of 7079-T6 cargo door latch and sill truss fittings by April 1, 1982. This proposed rule is based in part on a petition from the Air Transport Association, on behalf of numerous operators, for an amendment which would delete the requirement to replace the 7079-T6 cargo door latch and sill truss fittings. The service experience to date shows that cracks have not resulted in failures of any fittings. Furthermore, if one fitting were to fail, it would not result in inadvertent opening of the cargo door. Consequently, the FAA believes that paragraph D of AD 79-17-02, which requires the replacement of 7079-T6 fittings, may be deleted. Due to the unpredictable nature of stress corrosion in this material and in view of the proposal to allow indefinite use of the 7079-T6 fittings, it is proposed to decrease the 2,000 hour repetitive inspection interval of paragraph C to 1,200 hours.

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 should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. 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.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Directive Rules Docket, Docket No. 80-NW-22—AD, 9010 East Marginal Way South, Seattle, Washington 98108.

The Proposed Amendment

Accordingly, the FAA proposes to amend 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by amending Amdt. 39-3526, as amended by Amdt. 39-3563, as follows:

A. Revised Paragraph C to read as follows:

"C. Repeat the inspection in accordance with Paragraph A above at intervals not to exceed 1,200 flight hours until all affected fittings are replaced with 7075-T73 fittings. Apply BMS3-23 or equivalent to the internal lower sill areas after each inspection."

B. Delate Paragraph D.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the provision of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 1134; February 26, 1979).

Issued in Seattle, Washington, on April 14, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-12441 Filed 4-23-80; 8:45 am]

BILLING CODE 4910-13-M