

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 25, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-32253 Filed 11-25-75; 12:24 pm]

PART 910—HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

Change in Grower Representation

This document amends the rules and regulations to realign the grower member representation on the Lemon Administrative Committee under Marketing Order No. 910.

Notice was published in the *FEDERAL REGISTER* on October 24, 1975 (40 FR 49790) that the Department was giving consideration to a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 910.100-910.180) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of fresh lemons grown in Arizona and designated part of California, hereinafter referred to collectively as the "order". This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment to said rules and regulations was unanimously recommended by the Lemons Administrative Committee, established under said order as the agency to administer the terms and provisions thereof. Said notice allowed interested persons until November 17, 1975, in which to submit written data, views, or arguments for consideration in connection with the proposed amendment. None were received.

The amendment would reapportion the grower representation among the grower marketing organization groups represented on said committee in recognition of a change in the relative volumes of lemons handled. Grower representation on the committee is apportioned among the following three types of marketing organization groups: the "co-op which markets more than 60%" (the principal cooperative lemon marketing association); the "other co-ops" (all cooperatives marketing lemons other than the dominant cooperative); and the "independents" (growers of lemons not affiliated with any cooperative marketing association). The order provides for reapportionment of grower membership among these groups when the relative volumes of lemons handled changes among such groups. Recently, a group of growers (Sun Country Citrus, Inc.) which operates a packinghouse changed their group affiliation from the "co-op

which markets more than 60 percent of the lemons" (Sunkist Growers, Inc.) to "other co-ops" (Pure Gold, Inc.). As such change in affiliation does not reduce the volume of the principal cooperative marketing organization below the more than 60 percent level, the grower representation assigned to that group would not be changed. However, the change increases the volume of the "other co-ops" from 4.15 percent to 6.27 percent based on volume of regulated shipments in the fiscal year ended July 31, 1975. The volume of such shipments by the "independents" group was 9.01 percent. On the basis of estimated production for the 1975-76 fiscal year, the volume controlled by the "other co-ops" and "independents" is approximately 10 and 11 percent, respectively. Hence, the volume controlled by these two groups is more nearly equal than when the current apportionment was made, and the proposed action would equalize grower representation between them by reducing the "independents" grower representation from three members to two and increasing the "other co-ops" grower representation from one to two.

Therefore, on the basis of the foregoing, the information submitted by the committee and upon other available information, it is found that the reapportionment hereinafter set forth in Section 910.120 *Changes in Grower Representation* is necessary to reflect the changed volume relationship among the marketing organizations represented on the committee, and will tend to effectuate the declared policy of the act.

The amendment is as follows:

A new § 910.120 *Change in grower representation*, is added reading as follows:

§ 910.120 Change in grower representation.

Pursuant to § 910.22(h) grower representative on the Lemon Administrative Committee for purposes of § 910.20 and § 910.22 shall be as follows:

District	Co-op more than 60 per	Other co-ops	Independents
1	1	0	0
2	2	1	1
3	1	1	1

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated November 24, 1975, to become effective December 29, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc. 75-32163 Filed 11-26-75; 8:45 am]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Modification of Minimum Grade Standards for Inshell Walnuts

Notice was given of a proposal in the November 5, 1975, issue of the *FEDERAL REGISTER* (40 FR 51473) to modify the

minimum grade standards for inshell walnuts shipped into domestic and export outlets. The proposal was pursuant to § 984.50(a) of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984). The amended marketing agreement and order (hereinafter referred to collectively as the "order") regulate the handling of walnuts grown in California, Oregon, and Washington, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act". The proposal was based on a recommendation of the Walnut Marketing Board to better the quality of inshell walnuts handled and thereby maintain consumer acceptability and sales.

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

Section 984.50(a) of the order prescribes minimum standards for inshell walnuts and provides that they may be modified by the Secretary on the basis of a Board recommendation or other information. Such standards require that inshell walnuts handled be equal to or better than the requirements of U.S. No. 2 grade and baby size as defined in the then effective United States Standards for Walnuts (*Juglans regia*) in the Shell (29 FR 12865; 33 FR 10840). U.S. No. 2 grade allows a total tolerance of 20 percent, by count, for internal grade defects, but not more than 10 percent of the walnuts may be damaged by mold or insects or seriously damaged by other means, of which not more than 1/2 or 5 percent may be damaged by insects. No part of any tolerance is allowed for walnuts containing live insects. Internal grade defects are mold, shriveling, rancidity, decay, dark discoloration, presence or evidence of insects inside the shell, and uncured kernels which are wet and rubbery, not firm and crisp.

The modification reduces the total tolerance for internal grade defects to a maximum of 15 percent, and the tolerance included within this total tolerance for damage by mold or insects or serious damage by other means to a maximum of 8 percent. The restricted tolerance of 5 percent for insects and the restriction on live insects would remain the same.

Section 984.50(e) of the order specifies that surplus inshell walnuts for export must meet the requirements of § 984.50 (a). Hence, the modification would also apply to exports of surplus inshell walnuts. The industry desires that inshell walnuts for export be at least the same quality as those shipped in the United States.

Lots of inshell walnuts failing to meet the increased requirements could be shelled, the defective kernels removed, and the balance marketed as shelled walnuts.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Board, and other available information, it is hereby found that the modification of the minimum grade standards for inshell walnuts

as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and for making this action effective on the date hereinafter set forth, in that: (1) Handlers have been processing and shipping inshell walnuts in conformity with the proposed modification in the minimum grade standards, thus they need no additional time to prepare for and comply with the modification; and (2) no useful purpose would be served by postponing this action beyond the time hereinafter provided.

Therefore, § 984.450 of Subpart—Administrative Rules and Regulations (7 CFR 984.437-984.480; 40 FR 12481; 22266), is amended by revising the section heading, adding a new paragraph (a), and by redesignating present paragraphs (a) and (b), as (b) and (c), respectively. As amended § 984.450 reads as follows:

§ 984.450 Grade and size regulations.

(a) *Modified minimum standards for inshell walnuts.* Pursuant to § 984.50(a), inshell walnuts handled under this part shall be equal to or better than the requirements of U.S. No. 2 grade and baby size as defined in the then effective United States Standards for Walnuts effective United States Standards for (Juglans regia) in the Shell, except that, not more than a total of 15 percent, by count, of the walnuts may be damaged by internal grade defects including not more than 8 percent which are damaged by mold or insects or seriously damaged by other means, of which not more than 5 percent may be damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.

(b) *Minimum kernel content requirements for surplus inshell walnuts.* Any lot of inshell walnuts withheld to meet any part or all of the handler's surplus obligation, shall have a certified kernel weight of not less than 10 percent of the inshell weight of the lot: *Provided*, That no such lot may be exported unless it meets the minimum requirements for merchantable inshell walnuts effective pursuant to § 984.50(a).

(c) *Minimum kernel content requirements for surplus shelled walnuts.* Any lot of shelled walnuts withheld to meet any part or all of a handler's surplus obligation, shall have a certified kernel weight of kernels six sixty-fourths of an inch or larger, of not less than 10 percent of the total weight of the lot: *Provided*, That such minimum kernel content requirements shall not apply to any lot of walnut meal certified by the designated inspection service as having been derived from chopping, slicing, or dicing merchantable shelled walnuts: *And provided further*, That no such lots may be exported unless they meet the minimum requirements for merchantable shelled walnuts effective pursuant to § 984.50(b). (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 24, 1975, to become effective November 30, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and
Vegetable Division.

[FR Doc. 75-32163 Filed 11-26-75; 8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

PART 1464—TOBACCO

1975 Crop—Burley Tobacco, Loan Rate Schedule

Correction

In FR Doc. 75-30773, appearing on page 52999, in the issue of Friday, November 14, 1975, the following corrections should be made on page 53000, in § 1464.21 1975 Crop—Burley Tobacco, Type 31, Loan Schedule:

1. In the first column, the numbers appearing under the loan rate heading that correspond to grades T4VR, T4GF, and N2L should read "85", "86", and "85", respectively.

2. In the second column, the numbers appearing under the loan rate heading that correspond to grades M5P and T4R should read "89" and "88", respectively.

PART 1464—TOBACCO

1975-Crop—Fire-Cured, Dark Air-Cured and Virginia Sun-Cured, Loan Rate Schedules

Correction

In FR Doc. 30795, appearing on page 52998, in the issue of Friday, November 14, 1975, the following changes should be made on page 52999, in § 1464.19 1975-Crop—Dark Air-Cured Tobacco, Type 35 and 36—Grade Loan Schedule:

1. In the table at the bottom of the first column, the numbers appearing under the 44 length heading that correspond to grades C4G and C5G should read "57" and "52", respectively.

2. In the second column, the numbers opposite grades X3G, X4G, and X5G should read "56", "53", and "49", respectively.

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION) DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Handling and Movement of 4-D Poultry and Certain Carcasses, Parts or Products of Poultry

Pursuant to the authority contained in sections 11(d) and 14 of the Poultry Products Inspection Act, as amended (21 U.S.C. 460(d), 463), the poultry products inspection regulations are amended to establish requirements for the buying, selling, handling, or other movement of dead, dying, diseased, or disabled (4-D) poultry, parts of the carcasses of poultry that died otherwise than by slaughter,

and specimens of undenatured, uninspected or adulterated carcasses, parts or products of poultry, by persons engaged in the business of buying, selling, or transporting in commerce or importing any such articles.

Statement of Considerations: On July 13, 1973, there appeared in the FEDERAL REGISTER (38 FR 18681), a notice of proposed rulemaking, under the authority conferred by the Poultry Products Inspection Act, as amended, to amend the poultry products inspection regulations. The purpose of that notice was to propose requirements for the buying, selling, handling and movement of so-called 4-D poultry or parts of carcasses of poultry that died otherwise than by slaughter to prevent the use of such poultry and parts of carcasses for human food.

A total of six persons expressed their views on the proposal. One comment was not germane to the proposal in that it suggested that the proposal apply to livestock as well as poultry. However, the transportation and handling of 4-D livestock (cattle, sheep, swine, goats and equines) and parts of carcasses of such animals that died otherwise than by slaughter are already regulated under §§ 325.20 and 325.21 of the meat inspection regulations (9 CFR 325.20, 325.21).

Another comment requested a change in the poultry products inspection regulations to establish strict controls over the contents of pet food. However, enforcement of requirements to prevent the distribution of adulterated or misbranded pet foods is within the jurisdiction of the Federal Food and Drug Administration rather than this Department. Therefore, the change requested could not be made.

The remaining four comments expressed concern that the proposed amendments to the regulations would prevent continuation of a common poultry handling practice which the industry regards as desirable. This practice involves hauling 4-D poultry to the official establishments on the same vehicle as is used to transport live poultry or other articles.

The industry representatives who commented on the proposal also pointed out that while it is possible for dead, dying, and disabled poultry to be separated from a flock of poultry prior to shipment for slaughter, it is not always possible to identify diseased poultry until their diseased condition is discovered during inspection at the slaughtering establishments. Allowing the transportation of 4-D poultry and parts of carcasses of poultry that have died otherwise than by slaughter on the same truck with healthy live poultry and other articles will tend to insure that such 4-D poultry and parts of carcasses will be transported to official establishments where they can be handled and disposed of properly. Therefore, the proposed prohibition on the loading into any conveyance containing 4-D poultry, or parts of carcasses of poultry that died otherwise than by slaughter, of any other live poultry or products or commodities has been deleted.

Consideration of the comments on the proposal by the members of the National Meat and Poultry Advisory Committee has directed the attention of the Department to several existing practices involving the shipment of 4-D poultry which would be adversely affected by the proposed regulation change. For laboratory examination, exhibition purposes or other official use, it is vital that 4-D poultry and specimens of undenatured, uninspected or adulterated carcasses, parts, or products of poultry be permitted to move to the Department or to its divisions in Washington, D.C., or elsewhere, and to other establishments for educational, research or other non-food purposes. Movement of red meat articles for these purposes is currently permitted by the meat inspection regulations.

To allow this movement, a new § 381.189 is added to the poultry products inspection regulations which makes the provisions of new section 381.194 inapplicable to such movement of 4-D poultry. The new section 381.194 is likewise inapplicable to the movement of parts of poultry carcasses that are naturally inedible by humans. Such articles, if intended for use as animal food, are subject to the Federal Food, Drug, and Cosmetic Act.

Section 381.189 is patterned after similar provisions in §§ 325.19 and 314.9 of the meat inspection regulations (9 CFR 325.19, 314.9). Section 381.189(a) permits shipment of 4-D poultry or specimens of undenatured, uninspected or adulterated carcasses, parts or products of poultry to or by the Department of Agriculture or divisions thereof in Washington, D.C., or elsewhere for laboratory examination, exhibition purposes, or other official use. Section 381.189(b) permits shipment of specimens of such articles for educational, research, or other nonfood purposes under permit issued by the inspector in charge upon his determination that collection and movement thereof will not interfere with inspection or sanitary conditions at the establishment, and the specimens are for nonfood purposes.

These provisions for the buying, selling, handling and transportation of 4-D poultry, parts of carcasses of poultry that died otherwise than by slaughter, and specimens of undenatured, uninspected or adulterated carcasses, parts or products of poultry, are promulgated under the authority contained in the Poultry Products Inspection Act in order to deter the use thereof as human food. Additional restrictions on the distribution of such articles for use as animal food are contained in the Federal Food, Drug, and Cosmetic Act.

After consideration of all comments and other relevant information available to the Department, the amendments are hereby issued as proposed, except that paragraph (d) of § 381.194 is deleted, and a new § 381.189 is added to Subpart S as set forth below.

1. The table of contents is amended by adding reference to a new § 381.189 as follows:

381.189 Provisions inapplicable to specimens for laboratory examinations, etc., or to naturally inedible articles.

2. The new § 381.189 is added to Subpart S to read as follows:

§ 381.189 Provisions inapplicable to specimens for laboratory examination, etc., or to naturally inedible articles.

The provisions of this Subpart do not apply:

(a) To dead, dying, disabled or diseased poultry and specimens of undenatured, uninspected or adulterated carcasses, parts, or products of poultry sent to or by the Department of Agriculture or divisions thereof in Washington, D.C., or elsewhere, for laboratory examination, exhibition purposes, or other official use;

(b) To dead, dying, disabled or diseased poultry and specimens of undenatured, uninspected or adulterated carcasses, parts, or products of poultry thereof for educational, research, or other nonfood purposes shipped under permit issued by the inspector in charge upon his determination that collection and movement thereof will not interfere with inspection or sanitary conditions at the establishment, and the specimens are for nonfood purposes. The person desiring such specimens shall make a written application to the inspector in charge for such permit on Form MP-112 and shall obtain permission from the operator of the official establishment to obtain the specimens. Permits shall be issued for a period not longer than one year. The permit may be revoked by the inspector in charge if he determines after notice and opportunity to present views is afforded to the permittee that any such specimens were not used as stated in the application, or if the collection or handling of the specimens interferes with inspection or the maintenance of sanitary conditions in the establishment. The specimens referred to in this paragraph shall be collected and handled only at such time and place and in such manner as not to interfere with the inspection or to cause any objectionable condition and shall be identified as inedible when they leave the establishment.

(c) To parts of poultry carcasses that are naturally inedible by humans, such as entrails and feathers in their natural state.

(Secs. 11(d), 14, 71 Stat. 441, as amended, 21 U.S.C. 460(d), 463; 37 FR 28464, 28477)

It does not appear that further public participation in rulemaking proceedings would make additional relevant information available to the Department which would alter the decisions in this matter. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public rulemaking proceedings on these amendments are impracticable and unnecessary.

These amendments shall become effective February 27, 1976.

Done at Washington, D.C., on November 21, 1975.

F. J. MULHERN,
Administrator, Animal and Plant
Health Inspection Program.

1. The Table of Contents is amended by adding reference to a new § 381.194 as follows:

Sec.

381.194 Transportation and other transactions concerning dead, dying, disabled, or diseased poultry, and parts of carcasses of poultry that died otherwise than by slaughter.

2. The new § 381.194 is added to read as follows:

§ 381.194 Transportation and other transactions concerning dead, dying, disabled, or diseased poultry, and parts of carcasses of poultry that died otherwise than by slaughter.

No person engaged in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter shall:

(a) Sell, transport, offer for sale or transportation or receive for transportation, in commerce, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such poultry and parts are consigned and delivered, without avoidable delay, to establishments of animal food manufacturers, renderers, or collection stations that are registered as required by § 381.179, or to official establishments that operate under Federal inspection, or to establishments that operate under a State or Territorial inspection system approved by the Secretary as one that imposes requirements at least equal to the Federal requirements for purposes of section 5(c) of the Act.

(b) Buy in commerce or import any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless he is an animal food manufacturer or renderer and is registered as required by § 381.179, or is the operator of an establishment inspected as required by paragraph (a) of this section and such poultry or parts of carcasses are to be delivered to establishments eligible to receive them under paragraph (a) of this section.

(c) Unload en route to any establishment eligible to receive them under paragraph (a) of this section, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, which are transported in commerce or imported by any such person: *Provided*, That any such dead, dying, disabled, or diseased poultry, or parts of carcasses may be unloaded from a means of conveyance en route where necessary in case of a wreck or otherwise extraordinary emergency, and may be reloaded into another means of conveyance; but in all such cases, the carrier shall immediately report the facts by telegraph or telephone to the Director,

Compliance Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

3. Section 381.224 is amended by adding a regulation reference to § 381.194 along with "Act, 11(d)" in the table as follows:

§ 381.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.

Paragraphs of act and regulations	Classes of operators	State	Effective date
Act, 11(d); § 381.194.			

Act, 11(d); § 381.194.

[FR Doc. 75-32102 Filed 11-26-75; 8:45 am]

Title 14—Aeronautics and Space
CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14978; Amdt. SFAR 27-2]

SFAR 27—COMPLIANCE WITH AIRCRAFT EMISSION STANDARDS ISSUED BY ENVIRONMENTAL PROTECTION AGENCY

Compliance With EPA Exhaust Emissions (Smoke) Standards Effective January 1, 1976

The purpose of this amendment to Special Federal Aviation Regulation (SFAR) 27 is to require compliance with Environmental Protection Agency (EPA) standards for exhaust emissions of smoke that are effective beginning January 1, 1976. These EPA standards, specified in 40 CFR Part 87, apply to new and in-use aircraft turbofan or turbojet engines that are designed for subsonic airplanes and that have a rated power of 29,000 pounds thrust or greater. Foreign, as well as U.S. registered, civil airplanes are affected. The primary basis for this amendment is section 232 of the Clean Air Act, as amended.

Notice No. 75-34 was published in the FEDERAL REGISTER on September 16, 1975, (40 FR 42754), stating that the Federal Aviation Administration (FAA) was considering amending SFAR 27 to require compliance with EPA standards for exhaust emissions of smoke that are effective beginning January 1, 1976.

These standards, as currently prescribed in 40 CFR Part 87, apply to new and in-use aircraft turbofan or turbojet engines that are designed for subsonic airplanes and that have a rated power of 29,000 pounds thrust or greater. Interested persons were afforded an opportunity to participate in the proposed rulemaking. Due consideration was given to all relevant matter presented.

Ten comments were received in response to the notice. Three commenters objected to U.S. action affecting foreign registered aircraft operated in the United States, and stated that the U.S. is seeking to apply the standards of SFAR 27 to these aircraft prior to an international

agreement thereon. The FAA believes, as stated in response to a similar comment on the notice proposing amendment SFAR 27-1, that it would be desirable that the introduction of standards affecting international civil aviation be accomplished in an orderly fashion through the development of international standards. However, it is the position of the United States that no international treaties, conventions, or agreements currently prevent the FAA from discharging its responsibilities under the Clean Air Act, as amended, in accordance with the EPA standards prescribed in 40 CFR Part 87. Therefore, as previously stated, SFAR 27, including this and subsequent amendments, must be applied to foreign aircraft as prescribed herein.

Several commenters suggested that, since section 14(b) now reads in part: "Compliance with the exhaust emissions requirements of this SFAR that apply to Class T-4 engines beginning on February 1, 1974, is shown if the engine is either a JT8D-11 or JT8D-15 or . . ." compliance with these additional smoke requirements for Class T2 of, or more than, 29,000 pounds thrust should be shown in the same manner. The 1974 requirements applied to only one engine type, the JT8D, which could easily be handled in the regulations as a separate item. There are currently three engine types (the JT9D, CF6, and RB 211) within Class T2, and there may be applications for certification of additional engine types within this class and thrust range. Therefore, the more generalized language identifying the engine class, rather than the engine type, is used to designate which engines, including modifications, must conform to these standards.

One commenter was concerned that section 14(d), in conjunction with section 14(c), would imply that the FAA wants to witness the airlines' maintenance programs, and suggested that, as there are no present requirements for continuous monitoring of emissions, this section should be deleted or confined solely to engine certification testing conducted by the manufacturer. The FAA disagrees with this comment. SFAR 27 should contain, for the specific purpose of emissions testing, the same kind of FAA monitoring authority that is now exercised with respect to airworthiness and related testing or compliance programs. Section 14(d) is, therefore, adopted as proposed.

Several commenters were concerned that the proposed amendment contained no guidelines concerning the submission of engine test data that would be required to show compliance. The proposed amendment is explicit as to the maximum smoke number allowable for any class T2 engine of or over 29,000 pounds thrust, and clearly states that the "related test procedures" must be those prescribed by the EPA in 40 CFR Part 87. Further definition of compliance is not deemed necessary to this amendment. The FAA has a current program to develop correction procedures that would compensate for atmospheric variations.

The results of these efforts will be reviewed to determine whether additional rule making is necessary.

One commenter stated that there was no specific requirement that foreign-built engines must comply with the proposed amendment. Section 1 of SFAR 27 states that the SFAR applies to both U.S. and foreign airplanes. Thus, there is no need to repeat the applicability to foreign aircraft in each amendment.

One commenter suggested that proposed section 15(b) be amended to apply the standards to each engine type, or type design, rather than "the engine." The FAA believes that it is clearly understood, throughout the type certification regulations, that compliance with those regulations involves compliance of the type design therewith. Further specificity is, therefore, not believed to be necessary in this regard. This proposal is, therefore, adopted as proposed.

One commenter proposed that section 14(c) include a reference to overhaul rework standards, in addition to maintenance requirements. The FAA does not consider this addition necessary since overhaul rework standards are included in the general term "applicable maintenance requirements."

This amendment adds a new paragraph (b) to section 17 (and reorganizes the current text of that section as paragraph (a)) providing that compliance with the applicable exhaust emissions requirements of 40 CFR Part 87 must be shown for the issuance of supplemental or amended type certificates for engines. This change was not specifically proposed in the Notice. However, current SFAR 27 prohibits the operation in the U.S. of any airplane unless each engine complies with the EPA exhaust emissions standards that apply beginning February 1, 1974 (section 25). The regulation also prohibits the issuance of airworthiness approval tags to individual engines that do not meet those February 1, 1974 standards (section 19). The notice proposed to expand those sections to cover new and in-use engines with respect to the EPA exhaust emissions standards that apply beginning January 1, 1976. After reviewing these current and proposed requirements affecting individual engines, the FAA believes that it may be misleading to issue supplemental or amended type certificates for engines that cannot legally operate and for which no airworthiness approval tag can be issued. Therefore, to ensure consistency with these other provisions and avoid inducing applicants into supplemental or amended type certification programs for engines whose operation cannot be permitted because of the scope of EPA Part 87, this amendment provides that the FAA will not issue supplemental or amended type certificates for engines that do not meet the applicable EPA standards. This is consistent with section 15(b) which requires compliance with the same applicable EPA standards as a condition to the issuance of original type certificates for engines.

(Section 232 of the Clean Air Act, as amended December 31, 1970, P.L. 91-604 (42

U.S.C. § 1857f-10), as delegated (36 FR 8733); 40 CFR Part 87 (38 FR 19088); sections 307 (c), 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. §§ 1348(c), 1354 (a), 1421, and 1423); section 6(c) of the Department of Transportation Act (49 U.S.C. § 1655(c)).

PART 11—GENERAL RULEMAKING PROCEDURES

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 91—GENERAL OPERATING AND FLIGHT RULES

In consideration of the foregoing, Special Federal Aviation Regulation (SFAR) 27 is amended, effective January 1, 1976, as follows:

1. Section 14 is amended as follows:

a. The section heading is amended to read "Compliance."

b. Paragraph (c) is amended by adding the following sentence at the end thereof:

Continued compliance with the exhaust emissions requirements of this SFAR that apply beginning on January 1, 1976 is shown, for engines for which the type design has been shown to meet those requirements, if the engine is maintained in accordance with applicable maintenance requirements.

c. A new paragraph (d) is added to read as follows:

Section 14 Compliance.

d. Each applicant must allow the Administrator to make, or witness, any test necessary to determine compliance with the applicable provisions of this SFAR.

2. Section 15 is amended to read as follows:

Sec. 15 *Type certificates.* (a) Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of the date of application, no type certificate is issued, on and after the dates specified in subparagraphs (a) (1) through (a) (4) of this section, for the airplanes specified therein, unless—

(1) For airplanes powered by engines of Class T2, Class T3, Class T4, or Class T5, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(2) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(3) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(4) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

(b) Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of the date of application, no type certificate is issued, on and after the date specified in subparagraph (a) (4) of this section, for an engine specified therein, unless the engine complies with that subparagraph.

3. Section 17 is amended to read as follows:

Sec. 17 *Supplemental or amended type certificates.* (a) Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of the date of application, no supplemental or amended type certificate is issued on and after the dates specified in subparagraphs (a) (1) through (a) (4) of this section, for the airplanes specified therein, unless—

(1) For airplanes powered by engines of Class T2, Class T3, Class T4, Class T5, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(2) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(3) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(4) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

(b) Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of the date of application, no supplemental or amended type certificate is issued, on or after the dates specified in subparagraphs (a) (2) and (a) (4) of this section, for an engine specified therein, unless the engine complies with that subparagraph.

4. Section 19 is amended to read as follows:

Sec. 19 *Airworthiness approval tags.* Notwithstanding Part 21 of the Federal Aviation Regulations, no airworthiness approval tag (FAA Form 8130-3) is issued on and after—

(a) February 1, 1974, for an engine of Class T4, unless the engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974; and

(b) January 1, 1976, for an engine of Class T2 that has a rated power of 29,000 pounds thrust or greater, unless the engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

5. Section 21 is amended to read as follows:

Sec. 21 *Standard airworthiness certificates.* Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of the date of application, no standard airworthiness certificate is issued, on and after the dates specified in paragraphs (a) through (d) of this section, for the airplanes specified therein, unless—

(a) For airplanes powered by engines of Class T2, Class T3, Class T4, or Class T5 the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(b) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(c) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emission requirements and related test procedures of

40 CFR Part 87 that apply beginning January 1, 1975; and

(d) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

6. Section 25 is amended to read as follows:

Sec. 25 *Operation.* On and after the dates specified in paragraphs (a) through (d) of this section, no person may, within the United States, operate an airplane specified in those paragraphs unless—

(a) For airplanes powered by engines of Class T2, Class T3, Class T4, or Class T5, the airframe or the engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(b) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(c) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(d) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

Issued in Washington, D.C., on November 23, 1975.

JAMES E. DOW,
Acting Administrator.

[FR Doc. 75-32186 Filed 11-26-75; 8:45 am]

[Docket No. 15177; Amdt. No. 996]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accord-

ance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or cancelling the following VOR-VOR/DME SIAPs, *effective January 15, 1976.*

Texarkana, AR—Texarkana Muni-Webb Field, VOR Rwy 13, Amdt. 10

*** *effective January 8, 1976.*

Ann Arbor, MI—Ann Arbor Muni. Arpt., VOR Rwy 6, Amdt. 4

Aguadilla, PR—Borinquen Arpt., VOR Rwy 8, Amdt. 2

Franklin, VA—Franklin Muni.-John Beverly Rose Arpt., VOR Rwy 9, Amdt. 9

Franklin, VA—Franklin Muni.-John Beverly Rose Arpt., VOR/DME Rwy 27, Amdt. 5

Griffith, IN—Griffith Arpt., VOR Rwy 8, Amdt. 2

Jackson, MS—Allen C. Thompson Field, VORTAC Rwy 33L, Amdt. 8

Ocala, FL—Ocala Muni. (Jim Taylor Field), VOR Rwy 36, Amdt. 8

Taunton, MA—Taunton Muni. Arpt., VOR-A, Amdt. 4

West Palm Beach, FL—Palm Beach Int'l Arpt., VOR Rwy 9L, Amdt. 8

*** *effective December 4, 1975.*

Augusta, ME—Augusta State Arpt., VOR/DME-A, Amdt. 5

Augusta, ME—Augusta State Arpt., VOR/DME Rwy 8, Amdt. 5

Augusta, ME—Augusta State Arpt., VOR Rwy 17, Amdt. 10

*** *effective November 12, 1975.*

Knoxville, TN—McGhee Tyson Arpt., VOR/DME Rwy 4R, Amdt. 1

2. Section 97.25 is amended by originating, amending, or cancelling the following SDF-LOC-LDA SIAPs, *effective January 15, 1976.*

Texarkana, AR—Texarkana Muni-Webb Field, LOC/DME(BC) Rwy 4, Amdt. 4

*** *effective January 8, 1976.*

Jackson, MS—Allen C. Thompson Field, LOC (BC) Rwy 15R, Original

Saginaw, MI—Tri-City Arpt., LOC(BC) Rwy 23, Amdt. 3

3. Section 97.27 is amended by originating, amending, or cancelling the following NDB/ADF SIAPs, *effective January 15, 1976.*

Texarkana, AR—Texarkana Muni-Webb Field, NDB Rwy 22, Amdt. 4

Tulsa, OK—Tulsa Int'l Arpt., NDB Rwy 17L, Amdt. 5

West Yellowstone, MT—Yellowstone Arpt., NDB Rwy 1, Amdt. 2, cancelled

*** *effective January 8, 1976.*

Akron, OH—Akron-Canton Regional Arpt., NDB Rwy 1, Amdt. 21, cancelled

Cape Girardeau, MO—Cape Girardeau Muni. Arpt., NDB Rwy 10, Amdt. 3

Linden, NJ—Linden Arpt., NDB-A, Original

Linden, NJ—Linden Arpt., NDB-B, Original

Taunton, MA—Taunton Muni. Arpt., NDB Rwy 30, Amdt. 1

West Palm Beach, FL—Palm Beach Int'l Arpt., NDB Rwy 9L, Amdt. 13

*** *effective January 1, 1976.*

LaGrande, OR—LaGrande Muni. Arpt., NDB-A, Original

*** *effective December 4, 1975.*

Augusta, ME—Augusta State Arpt., NDB-B, Amdt. 4

4. Section 97.29 is amended by originating, amending, or cancelling the following ILS SIAPs, *effective January 15, 1976.*

Texarkana, AR—Texarkana Muni-Webb Field, ILS Rwy 22, Amdt. 6

Tulsa, OK—Tulsa Int'l Arpt., ILS Rwy 17L, Amdt. 6

*** *effective January 8, 1976.*

Akron, OH—Akron-Canton Regional Arpt., ILS Rwy 1, Amdt. 26

Cape Girardeau, MO—Cape Girardeau Muni. Arpt., ILS Rwy 10, Amdt. 3

West Palm Beach, FL—Palm Beach Int'l Arpt., ILS Rwy 9L, Amdt. 15

*** *effective November 14, 1975.*

Decatur, IL—Decatur Arpt., ILS Rwy 6, Amdt. 5

*** *effective November 13, 1975.*

Champaign-Urbana, IL—University of Illinois-Willard Arpt., ILS Rwy 31, Amdt. 5

5. Section 97.31 is amended by originating, amending, or cancelling the following RADAR SIAPs, *effective January 15, 1976.*

Tulsa, OK—Tulsa Int'l Arpt., RADAR-1, Amdt. 13

*** *effective January 8, 1976.*

West Palm Beach, FL—Palm Beach Int'l Arpt., RADAR-1, Amdt. 5

*** *effective November 12, 1975.*

Rochester, NY—Rochester-Monroe County Arpt., RADAR-1, Amdt. 8

6. Section 97.33 is amended by originating, amending, or cancelling the following RNAV SIAPs, *effective January 15, 1976.*

Tulsa, OK—Tulsa Int'l Arpt., RNAV Rwy 17L, Amdt. 2

These amendments are made effective under the authority of Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on November 20, 1975.

JAMES O. ROBINSON,
Acting Chief,
Aircraft Programs Division.

Notiz: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.75-31974 Filed 11-26-75; 8:45 am]

[Docket No. 12762; Amdt. No. 121-126]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Ground Proximity Warning Systems

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to allow the takeoff of large turbine-powered airplanes equipped with either the ground proximity warning system or the ground proximity warning-glide slope deviation alerting system required by § 121.360 without the systems being in operable condition. This action is necessary because of recently-discovered reliability problems with the ground proximity warning system.

Section 121.303(d) provides, in pertinent part, that no person may take off any airplane unless the instruments and equipment required by § 121.360 are in operable condition. Section 121.360(a) prohibits, with certain specified exceptions, the operation of a large turbine-powered airplane after December 1, 1975, unless it is equipped with a ground proximity warning system that meets the performance and environmental standards of TSO-C92 or incorporates TSO-approved ground proximity warning equipment. Section 121.360(f) prohibits, with an exception, the operation of a large turbine-powered airplane after June 1, 1976, unless it is equipped with a ground proximity warning-glide slope deviation alerting system that meets the performance and environmental standards contained in TSO-C92a or incorporates TSO-approved ground proximity warning-glide slope deviation alerting equipment.

By letter of November 19, 1975, the Air Transport Association of America (ATA), on behalf of its member airlines, petitioned the FAA to amend §§ 121.303 and 121.360 to provide relief until September 1, 1976, from the requirement that the ground proximity warning system required by § 121.360 be in operable condition before takeoff. The ATA indicates that this is necessary to allow time to identify and remedy problems with this newly-installed equipment.

The ATA states that several member airlines have activated their ground proximity warning systems to familiarize flight crews with the system and to gain experience with the system in line operations. In this connection the ATA states:

At least two major carriers are experiencing an unacceptably high number of false and nuisance alarms. More specifically, a false warning occurs when the system alarms although system parameters do not call for one. For example, warnings have occurred on takeoff when the alarm sounds while the aircraft is in a positive rate of climb well outside the TSO envelopes which would re-