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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

U.S. International Trade Commission

Section 213.3339 is amended to show that one position of Staff Assistant to a Commissioner is excepted under Schedule C.

Effective on August 22, 1975.

Section 213.3339(f) is amended as set out below:

§ 213.3339 U.S. International Trade Commission.

* * * * *

(f) One position of Staff Assistant to each of five Commissioners.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-22184 Filed 8-21-75;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—FOOD PROGRAM

[Amendment No. 68]

PART 271—PARTICIPATION OF STATE AGENCIES AND HOUSEHOLDS

Methods of Distributing, Issuing, and Accounting for Coupons and Receipts

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; U.S.C. 2011-2026), regulations governing the operation of the Food Stamp Program are hereby amended.

On March 1, 1975, the Department implemented a new series of food coupons. The 50-cent, 2-dollar and old series 5-dollar coupons may be accepted in retail food stores and meal services until August 31, 1975.

After that date, the old series of coupons will remain obligations of the United States Government. This amendment provides methods by which households still in possession of 50-cent, 2-dollar, and old series 5-dollar coupons after August 31, 1975, may exchange these coupons. This amendment applies to all previous coupon series.

Although it is the policy of the Department that 30 days' notice be given to proposed rulemaking, in view of the immediate need to publish this amendment it has been determined impracticable and contrary to public interest to give notice of proposed rulemaking with respect to this amendment.

Accordingly, Part 271 of Chapter II, Title 7, Code of Federal Regulations, is amended as follows:

In § 271.6, a new paragraph (i) is added to read as follows:

§ 271.6 Methods of distributing, issuing and accounting for coupons and receipts.

* * * * *

(i) The 50-cent, 2-dollar, and old series 5-dollar coupons may be used by households to purchase eligible food at authorized retail food stores and meal services until August 31, 1975. After August 31, 1975, households shall be entitled to a dollar for dollar exchange of old series coupons for new series coupons at the project level except that when only a 50-cent coupon is offered for exchange or the coupons offered include an odd 50-cent coupon, a new series 1-dollar coupon will be given for the odd 50-cent coupon. This procedure for exchange will expire June 30, 1976.

Effective date: This amendment shall become effective August 22, 1975.

(78 Stat. 703, as amended: 7 U.S.C. 2011-2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: August 19, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-22288 Filed 8-21-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 7]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period August 24-30, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.307 Lemon Regulation 7.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues strong this week inspite of cooler weather in many parts of the country. Average f.o.b. price was $7.08 per carton the week ended August 16, 1975, compared to $7.24 per carton the previous week. Track and rolling supplies at 128 cars were down 4 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the

act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 19, 1975.

(b) *Order*. (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 24, 1975, through August 30, 1975, is hereby fixed at 275,000 cartons.

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

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

Dated: August 20, 1975.

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

[FR Doc.75-22473 Filed 8-21-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Procedures for Consent Orders

On May 9, 1975, the Federal Energy Administration issued a Notice of Proposed Rulemaking (40 FR 20965, May 14, 1975) to amend Subpart O of 10 CFR, Part 205 to provide for consent orders.

Eight written comments were received in response to the Notice of Proposed Rulemaking. All comments received have been considered, and modifications to the proposed regulation have been made that reflect the FEA's consideration of these comments as well as other information available to FEA.

NOTICES AND ORDERS OF DISALLOWANCE OF COSTS

Initially, it should be noted that since the May 9 Notice of Proposed Rulemaking a new section (§ 205.194) was added to Subpart O which provides procedures for disallowing certain transfer prices used to compute landed costs. This new section has required two minor changes in the proposed consent order rule. First, it has required renumbering the proposed new section as § 205.197 rather than § 205.196. Second, the proposed consent order section has been amended in paragraph (a) thereof to make it clear that the consent order procedure is available for settlement of cases involving the disallowance of costs pursuant to new § 205.194.

DEFINITION OF "CONSENT ORDER"

One of the comments received by the FEA suggested that a definition of the term "consent order" be added to § 205.2. Since other similar types of orders and notices provided for in the procedural regulations are defined in § 205.2, the FEA has decided to include therein a definition of the term "consent order."

EXCLUSIVITY OF CONSENT ORDER PROCEDURE

One comment suggested that the rule make clear that the consent order procedure is the exclusive means short of a remedial order for resolving a compliance proceeding in which the FEA has reason to believe that a violation has occurred. This suggestion has merit to the extent of a compliance proceeding in which a notice of probable violation or a notice of proposed disallowance has been issued. Therefore, a sentence incorporating this suggestion has been added to paragraph (a). However, some current compliance cases can be, and are presently, resolved by voluntary action of the firm involved without the need for a compliance agreement. For example, simple calculation errors by refiners that do not result in an overcharge are usually corrected merely by informal agreement which may not always be memorialized in writing. FEA does not intend to eliminate these types of voluntary corrections.

OPPORTUNITY FOR PUBLIC COMMENT ON PROPOSED CONSENT ORDERS

Three of the comments received by the FEA urged that the consent order procedures provide the public with an opportunity to comment on consent orders before they become final and binding on the FEA, in a manner similar to that employed by the Antitrust Division of the Department of Justice pursuant to Pub. L. 93-528, 93d Cong., 2d Sess. (1974) and by the Federal Trade Commission pursuant to 16 CFR 2.31, et seq., as amended at 40 FR 15235 (April 4, 1975). The principal features proposed by the comments were that each negotiated consent order be published in the FEDERAL REGISTER, together with a statement of relevant facts and/or a justification of why the FEA believes the proposed consent order is in the public interest; that the public be given from 30 to 60 days to comment on the proposed order; and that the FEA publish in the FEDERAL REGISTER the final order, together with a description of the comments received and the reasons why modifications suggested by the public were or were not adopted.

The FEA has carefully weighed the substantial benefits to the FEA of public participation in the consent order process against the possibility that public participation and the resultng delay in resolving compliance proceedings might create an unacceptable disincentive to use of the consent order process by companies involved in compliance proceedings. The FEA believes that the risk of the latter is greater in FEA proceedings than in FTC proceedings or government antitrust litigation because FEA judicatory procedures are expressly exempt from the requirements of the Administrative Procedures Act. Thus, placing consent orders on the public record and allowing the public to comment on them would inject a relatively cumbersome and time-consuming feature into what Congress expressly intended to be a streamlined compliance procedure.

Nevertheless, because of the compelling need for public confidence and involvement in the FEA case settlement process, the FEA has decided to adopt on a trial basis a modified version of the public participation procedures employed by some other federal agencies. However, the public comment provisions will be utilized only in cases where the consent order deals with sums in excess of $500,000 in the aggregate, excluding penalties, since FEA experience has shown that prior compliance agreements of significant public concern have involved amounts in excess of that sum. After these procedures have been in effect for a representative period of time, the FEA intends to reconsider in light of its experience in negotiating consent orders under those procedures whether public participation has created an unwarranted disincentive to the use of such procedures.

In the rule as adopted herein, the FEA has decided that upon agreement by the FEA and the company involved on the terms of a consent order, notice of the order, a brief description of its coverage and the location of the office where a copy of the order can be obtained will be published in the FEDERAL REGISTER and announced to members of the press through a press release. The FEA has decided that it would not be practical to publish the complete text of each proposed consent order in the FEDERAL REGISTER, since there are likely to be scores of such orders involving individual retailers and wholesalers as well as major integrated oil companies, and the FEA therefore does not intend to do so except in cases where the proposed order is likey to affect large numbers of individuals or businesses. The public will have 30 days in which to submit written comments, during which time the consent order will not become effective unless the FEA expressly finds that it would be in the public interest that the order be effective immediately. After the 30-day comment period has expired and the FEA has decided that the proposed consent order should be made final, the FEA will publish notice of the effective date of the consent order and, if it deems it appropriate, a description of the comments received and the action the FEA has taken with respect thereto.

MODIFICATION OR RESCISSION OF CONSENT ORDERS

Some of those comments suggesting public participation in the consent order procedure also suggested similar participation in significant modifications or rescissions of consent orders. The FEA has adopted these suggestions.

ADMINISTRATIVE APPEALS

Two comments suggested that consent orders be subject to administrative appeal, either to allow for modifications based on newly discovered evidence or to allow a company to contest a legal issue that underlies the FEA's contention that a violation has occurred. The FEA has decided that an administrative appeal is unnecessary and inappropriate in the context of a negotiated settlement that is expressly designed to achieve voluntary restitution to injured persons without the parties having to resort to protracted administrative proceedings and litigation to resolve factual and legal issues. Entry into a consent order does not require either party to concede issues of fact or law that would be resolved in the FEA's favor if a remedial order or order of disallowance of costs were issued. Moreover, the procedure now incorporated in paragraph (d) providing for petitions for modification or rescission provides an adequate opportunity to modify or rescind consent orders on the basis of newly discovered evidence.

CIVIL AND CRIMINAL PENALTIES

Two comments proposed that the paragraph by which the FEA expressly reserves the right to seek civil or criminal penalties for conduct that is the subject of a consent order be delegated. FEA believes that such a provision (paragraph (e) in the rule as promulgated) is necessary to give the FEA and any other party negotiating a consent order the flexibility to separate the issue of remedy from the issue of whether a penalty is appropriate. The rule does not preclude the parties from including a compromise of civil penalties as part of the consent order, nor does it preclude a party from refusing to enter into a consent order unless the penalty issue is resolved at the same time.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Subpart O of Part 205 of Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., August 15, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

1. Section 205.2 is amended by adding, in the appropriate alphabetical order, a new definition to read as follows:

§ 205.2 Definitions.

* * * * *

"Consent order" means a document of agreement between FEA and a person prohibiting certain acts, requiring the performance of specific acts or including any acts which FEA could prohibit or require pursuant to § 205.195.

* * * * *

2. Section 205.197 is added to Subpart O to read as follows:

§ 205.197 Consent Orders.

(a) Notwithstanding any other provision of this Subpart, the FEA may at any time resolve an outstanding compliance investigation or proceeding, or a proceeding involving the disallowance of costs pursuant to § 205.194 of this Subpart, with a consent order. A consent order shall be the exclusive means besides a remedial order for resolving compliance proceedings in which the FEA has issued a notice of probable violation or a notice of proposed disallowance. A consent order must be signed by the person to whom it is issued, or a duly authorized representative, and must indicate agreement to the terms contained therein. A consent order need not constitute an admission by any person that FEA regulations have been violated, nor need it constitute a finding by the FEA that such person has violated FEA regulations. A consent order shall, however, contain a written statement setting forth the relevant facts forming the basis for the order.

(b) A consent order is a final order of the FEA having the same force and effect as a remedial order issued pursuant to § 205.192 or an order of disallowance issued pursuant to § 205.194, and may require one or more of the remedies authorized by § 205.195 and § 212.84(d) (3). A consent order becomes effective no sooner than 30 days after publication under paragraph (c) of this section, except that the FEA may make a consent order effective immediately if expressly deemed necessary in the public interest. However, all consent orders involving sums of less than $500,000 in the aggregate, excluding penalties, will be effective when signed both by the person to whom it is issued and the FEA, and will not be subject to the provisions of paragraph (c) of this section unless the FEA determines otherwise. A consent order shall not be appealable pursuant to the provisions of § 205.196 and Subpart H, and shall contain an express waiver of such appeal or judicial review rights as might otherwise attach to a final order of the FEA.

(c) When a proposed consent order has been signed, both by the person to whom it is issued and the FEA, the FEA will publish notice of such proposed consent order in the FEDERAL REGISTER and in a press release to be issued simultaneously therewith. The FEDERAL REGISTER notice and the press release will state at a minimum the name of the company concerned, a brief summary of the consent order and other facts or allegations relevant thereto, and the address and telephone number of the FEA office at which copies of the proposed consent order will be made available free of charge, the address to which comments on the proposed consent order will be received by the FEA, and the date by which such comments should be submitted, which date will not be less than 30 days from publication of the FEDERAL REGISTER notice. After the expiration of the comment period, the FEA may withdraw its agreement to the consent order, it may attempt to negotiate a modification of the consent order, or it may issue the consent order as proposed. The FEA will publish in the FEDERAL REGISTER, and by press release, notice of any action taken on a proposed consent order and it may publish such explanation of the action taken as it deems appropriate. The provisions of this paragraph shall be applicable notwithstanding that a consent order negotiated by the FEA may have been made immediately effective pursuant to paragraph (b) of this section (except in cases where the consent order involves sums of less than $500,000 in the aggregate, excluding penalties).

(d) At any time and in accordance with the procedures of Subpart J, a consent order may be modified or rescinded, at the FEA's discretion, upon petition by the person to whom the consent order was issued and may be rescinded by the FEA upon discovery of new evidence which is materially inconsistent with evidence upon which the FEA's acceptance of the consent order was based. Modifications of a consent order which is subject to public comment under the provisions of paragraph (c) of this section, which in the opinion of the FEA significantly change the terms or the impact of the original order, shall be subject to republication under the provisions of that paragraph.

(e) Notwithstanding the issuance of a consent order, the FEA may seek civil or criminal penalties or compromise civil penalties pursuant to Subpart P concerning matters encompassed by the consent order, unless the consent order by its terms expressly precludes the FEA from seeking such penalties.

(f) It at any time after a consent order becomes effective it appears to the FEA that the terms of the consent order have been violated, the FEA may refer violations of such order to the Department of Justice for appropriate action in accordance with Subpart P.

[FR Doc.75-22154 Filed 8-19-75;9:33 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-7-AD; Amdt. 39-2348]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 269 Series Helicopters

Amendment 39-1820 (39 FR 13873), AD 74-09-01, requires modification and recurring inspections and limits the time which may be accumulated on new or modified main rotor ring gear drive shaft assemblies before the shaft assembly must be removed from service on Hughes 269 series helicopters. This action is required because fretting and fracture of the main rotor ring gear drive shaft assembly may lead to loss of power to the main rotor. After issuing Amendment 39-1820, the manufacturer and the agency determined that the inspection interval described in the Airworthiness Directive was no longer adequate in that fretting and fracture of the aluminum portion of the shaft assembly has occurred prior to accumulating the total service time interval specified in the AD and the time interval specified in the manufacturer's service information notice. Therefore, the AD is being amended to require inspections of the 269A5179 main rotor drive shaft assembly for cracks, fretting, and other damage at 400 hours or more total accumulated time, but less than 3000 hours total time in service. The compliance time for the initial inspection for helicopters with assemblies with more than 400 flight hours is being reduced from 50 hours to 25 hours time in service after the effective date of the AD, as amended. Additional minor changes to the AD wording are required by way of amendment to achieve the required periodic inspections. The "Time of Compliance" listing in the manufacturer's Service Information Notice No. N-114.2, dated June 23, 1975, is, in certain cases, in conflict with the AD. The amendment includes a note to caution the operators and owners that the revised service information notice does not, in all cases, reflect the requirements of AD 74-09-01.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1820 (39 FR 13873), AD 74-09-01, is amended as follows:

A. Amend paragraph (1) to read:

(1) For helicopters which have shaft assemblies with 400 hours or more total time in service, (except as noted in paragraphs (2) and (4)), accomplish the following:

B. Amend paragraph (1) (a) to read:

(a) Within 25 hours additional time in service after the effective date of this AD, as amended, perform the inspections and any necessary replacements in accordance with the special inspection procedures specified in paragraph (5).

C. Amend paragraph (1) (b) to read:

(b) Repeat the special inspections and any necessary replacements in accordance with paragraph (5) within 1000 hours additional time in service after the accomplishment of (a), and thereafter at intervals not to exceed 1000 hours time in service.

D. Amend paragraph (4) (a) to read:

(a) For helicopters which have shaft assemblies with 400 hours or more total time in service since modification, within 50 hours additional time in service, perform the special inspections and any necessary replacements in accordance with paragraph (5).

E. Amend paragraph (4) (b) to read:

(b) Repeat the special inspections and any necessary replacement in accordance with paragraph (5) within 1000 hours additional time in service after the accomplishment of (4) (a), and thereafter at intervals not to exceed 1000 hours time in service.

F. Amend paragraph (8) (1) to read:

(1) the origin of the part, i.e., an original shaft assembly in the transmission, a replacement shaft assembly from another helicopter, a modified shaft assembly per the manufacturer's service documents or a shaft assembly installed with 400 hours or less time in service.

G. Insert the following Note after paragraph (14):

NOTE: The compliance times specified in AD 74-09-01, as amended, are mandatory. Operators and owners are cautioned that the "Times of Compliance" and contents in Service Information Notice No. N-114.2, dated June 23, 1975, do not, in all cases, reflect the requirements of this AD.

This amendment becomes effective August 28, 1975.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on August 13, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-22160 Filed 8-21-75;8:45 am]

[Airworthiness Docket No. 75-WE-38-AD; Amdt. 39-2349]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed L-1011-385-1 Airplanes

Amendment 39-2234 (40 FR 24177), AD 75-12-11, imposes the following operating limitation: "Autopilot command mode use prohibited below 100 feet above ground level" and a placard stating:

"AUTOPILOT CMD MODE USE PROHIBITED BELOW 100' AGL"

After issuing Amendment 39-2234, the Administrator has determined that Lockheed has isolated the cause of the unwanted pitch-up at or near touchdown and that modifications of auto flight pitch computers will preclude repetition of the failure condition. Therefore, the AD is being amended to provide for removing the operating limitation when an operator's entire fleet, including spares, incorporates auto flight pitch computer modification in accordance with Lockheed Service Bulletin 093-22-080, dated August 11, 1975, or later FAA-approved revisions.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2234 (40 FR 24177), AD 75-12-11 is amended by adding new paragraph (3):

(3) When an operator's entire fleet, including spares, incorporates the auto flight pitch computer modification described in Lockheed Service Bulletin 093-22-080, dated August 11, 1975, or later FAA-approved revisions, remove the operating limitation and placard.

This amendment is effective September 2, 1975.

This amendment is made under the authority of Section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on August 13, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-22161 Filed 8-21-75;8:45 am]

[Airworthiness Docket No. 75-WE-45-AD; Amdt. 39-2351]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas DC-10 Series Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on August 6, 1975, and made effective immediately by telegrams dated August 6, 1975 to all known United States operators of DC-10 series airplanes. The airworthiness directive limits the airplane to Category I minima (Ref. Advisory Circular AC 120-29) until the airplane is inspected in accordance with McDonnell Douglas Service Bulletin A34-70, or modified in accordance with McDonnell Douglas Service Bulletin 34-66, or equivalent inspections and modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region are performed.

This AD is required because of several reported localizer antenna anomalies resulting in localizer oscillatory deviations of up to one dot, repeated simultaneously and with comparable phasing without failure warning on both receivers, which could appear to be legitimate guidance. McDonnell Douglas Corporation has developed two service bulletins to alleviate this condition.

Since it was found that immediate corrective action was required, notice