

§ 352.706 Agency response to reemployment application.

(a) *Employee's right to reemployment.* An employee is entitled to be reemployed by the reemploying agency as promptly as possible, and, in any event, within 45 calendar days after agency receipt of application.

(1) Within the competitive area the employee is entitled to reemployment in:

(i) The position held immediately before leaving the agency;

(ii) One in the same competitive level;

(iii) Another position for which qualified and eligible at the same grade or level and in the same competitive area as the position the employee last held in the agency. The employing agency determines the position under (i), (ii), or (iii) to which the employee is entitled. Reduction-in-force procedures shall be applied where necessary in determining the position to which the employee has a right. In applying the reduction-in-force regulations, the applicant shall be considered an employee of the agency.

(2) *Extending the area.* Responsibility for reemploying an applicant is nationwide within the agency. If the applicant is not placed under (1), the agency must extend reemployment rights, based on the employee's availability, for assignment outside the competitive area. The employee is entitled to a position, for which qualified and eligible, at the same grade or level as the position last held in the agency. Where necessary, reduction-in-force procedures shall be applied in determining the position to which the employee has a right. The applicant shall be considered an employee for the purpose of applying the reduction-in-force regulations.

(b) *Employee option.* Before the competitive area is extended under (a) (2), an employee who cannot be placed under (a) (1) in the competitive area at the same grade or level as the position last held is entitled, if the employee elects, to reemployment in a position at a lower grade or level identified under the same conditions and procedures as (a) (1).

(c) *Agency option.* At any stage in the process, the agency has the option to satisfy the employee's right to reemployment by offering a vacant position which, under reduction-in-force regulations, is in accord with the employee's rights. Also, with the employee's consent, right to reemployment can be met by placement in a vacant position, for which the employee is qualified according to agency determination, and available, outside the organizational or geographic area of entitlement, either at the appropriate grade or at a grade other than the one to which entitled.

(d) *Basis for agency refusal to reemploy.* An agency may refuse to reemploy when the employee was last separated from tribal employment for serious cause establishing unsuitability for reemployment.

(e) *Basis for agency inability to reemploy.* An agency may find it is unable

to reemploy in the event no position can be found under procedures in this section.

§ 352.707 Employee appeals to the Civil Service Commission.

(a) *Right to appeal.* (1) If an agency denies reemployment to a person claiming reemployment rights under this subpart, the agency shall inform the individual of that denial and of the reasons therefor by a written notice. In the same notice, the agency shall inform the employee of the right to appeal to the Commission within 15 calendar days after receipt of the notice.

(2) If an employee considers reemployment not in accordance with this subpart, the employee is entitled to appeal to the Commission within 15 calendar days after reemployment becomes effective.

(3) Refusal of a tribe to hire a Federal employee is not appealable to the Commission.

(b) *Delayed appeals.* The Commission may extend the 15 calendar day time limit on a showing that the employee was not notified of the time limit and was not otherwise aware of it or that circumstances beyond the individual's control prevented filing the appeal within the time limit.

(c) *Finality of the appeal decision.* The Commission shall make the final decision of the right to reemployment.

Effective date: July 6, 1976.

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

[FR Doc.76-19498 Filed 7-2-76; 8:45 am]

Title 7—Agriculture

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

[Valencia Orange Regulation 533, Amtd. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 25–July 1, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricul-

tural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange 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 Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 533 (41 FR 25994). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i), and (ii) of § 908.833 (Valencia Orange Regulation 533 (41 FR 25994)) are hereby amended to read as follows:

"(i) District 1: 264,000 cartons;

"(ii) District 2: 311,000 cartons."

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

Dated: June 30, 1976.

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

[FR Doc.76-19390 Filed 7-2-76; 8:45 am]

Title 9—Animals and Animal Products

CHAPTER 1—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Use of Purified Water in Culture Media

• *Purpose.* To authorize the use of purified water to rehydrate dehydrated

medias, and to correct the references to the United States Pharmacopeia and the National Formulary. •

Statement of Considerations.—These amendments change the reference from the former edition of the United States Pharmacopeia (XVIII) to the current edition (XIX). Reference to the now non-existent National Formulary is deleted.

These amendments also authorize the use of water which has been purified by methods other than distillation in the preparation of media for sterility testing.

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), Part 113, Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by making the following changes:

Section 113.25(a) is revised to read as follows:

§ 113.25 Culture media for detection of bacteria and fungi.

(a) Ingredients for which standards are prescribed in the United States Pharmacopeia, or elsewhere in this Part, shall conform to such standards. In lieu of preparing the media from the individual ingredients, they may be made from dehydrated mixtures which, when rehydrated with purified water, have the same or equivalent composition as such media and have growth-promoting buffering, and oxygen tension-controlling properties equal to or better than such media. The formulas for the composition of the culture media prescribed in §§ 113.26 and 113.27 are set forth in the United States Pharmacopeia, 19th Edition.

(21 U.S.C. 151 and 154; 37 FR 28477; 38 FR 19141)

These amendments make administrative changes to authorize needed actions without making other substantive changes in the regulations. In order to be of maximum benefit, they must be made effective immediately.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning these amendments are impracticable and unnecessary, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective July 6, 1976.

Done at Washington, DC, this 29th day of June, 1976.

G. V. PEACOCK,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 76-19334 Filed 7-2-76; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-27-AD; Amdt. 39-2656]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) applicable to Cessna 300 and 400 series airplanes was published in the FEDERAL REGISTER on November 14, 1975. The proposed AD, if adopted, would require the replacement of 1/2-inch diameter fork bolts at 2,000 hours' time in service and 3/8-inch diameter fork bolts at 5,000 hours' time in service.

Interested persons have been afforded the opportunity to participate in the making of the amendment. Three comments were received. The National Business Aircraft Association (NBAA) offered no objection to the proposal. The aircraft manufacturer questioned the need for an AD since it understood the type certificate data sheets applicable to Cessna 300 and 400 series aircraft were being amended to provide life limits for the fork bolts. In addition, the manufacturer had issued and distributed a service letter pertaining to this subject matter which it felt would adequately inform owners and operators of these aircraft about the replacement of the fork bolts. In answer, the FAA does not agree and past experience supports the fact that revisions of the type certificate data sheets and issuance of the service letter are not adequate notification to apprise aircraft owners and operators of such things as the life limited fork bolts. The third commentator submitted a lengthy objection to the proposal wherein he questioned the AD rule making process, the justification for the issuance of this AD, the parts' life limits noted in the AD, the adequacy, availability and cost of replacement parts and the technical content of the AD. In issuing this Notice of Proposed Rule Making the agency has strictly followed the legal requirements of the Administrative Procedures Act as it is bound to do. Part 39 of the Federal Aviation Regulations prescribes that ADs apply to aircraft, aircraft engines, propellers or appliances when an unsafe condition exists in a product and that condition is likely to exist or develop in other products of the same type design. In this instance there have been 15 fork bolt failures in the last three years, eight of which were confirmed as being fatigue failures. Fork bolt failures cause main landing gears to collapse during landing resulting in damage to aircraft structure and can result in injuries to persons and other

property. The life limits of 2,000 and 5,000 hours for the fork bolts were based on analysis of service history reports received by the manufacturer and the agency. The proposal recommends repetitive replacement of fork bolts as indicated above because improved fork bolts having significantly improved service life are not available. In considering the cost of compliance with this AD, the FAA placed the highest possible safe life limits on the fork bolts. The manufacturer has advised that sufficient parts will be available to meet the demands of complying with the AD. As to the technical content of the proposal, the adopted rule will not include 300 series aircraft since additional investigations accomplished after issuance of the NPRM show that AD action against 300 series aircraft is not warranted at this time. The adopted rule itself will more clearly define those bolts in the landing gear system that are involved. In addition, the compliance time is being raised from 100 hours' to 200 hours' time in service to allow compliance with this AD at regularly scheduled inspections that require landing gear retraction checks as provided in the manufacturer's service manuals. The adopted rule also permits 25 hour adjustments of the safe life limits noted therein. Finally, the rule will allow aircraft to be ferried pursuant to FAR 21.197 to a base where replacement can be accomplished.

Although this amendment to some extent modifies the original proposal, it provides clarification, is relieving in nature and is in the interest of safety. Accordingly, no further notice and public procedure hereon are necessary, and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to Models 401, 402, 411, 414 and 421 Series Airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of the fork bolt located at the aft end of the main landing gear retraction system torque tube connecting the torque tube to the outboard push/pull tube, accomplish the following:

(A) Within 200 hours' time in service on those airplanes having 1,800 or more hours' time in service or prior to 2,000 hours' time in service on those airplanes having less than 1,800 hours' time in service, and at each subsequent 2,000 hours' time in service thereafter, replace right and left 1/2-inch diameter P/Ns 0843518-1, 0843518-2, 0843500-35, 0843500-54, 5243518-1 and 5243518-3 fork bolts with new P/Ns 5243518-3 or FAA-approved superseding part number fork bolts on the airplanes specified below except airplanes on which P/N 5141052-1 fork bolts have been installed as field replacements:

401—401-0001 through 401B0053.
402—402-0001 through 402B0035.
411—All Serials.
414—414-0001 through 414-0098.
421—421-0001 through 421A0158.

(B) Within 200 hours' time in service on those airplanes having 4,800 or more hours' time in service or prior to 5,000 hours' time in service on those airplanes having less than 4,800 hours' time in service, and at each subsequent 5,000 hours' time in service thereafter, replace right and left $\frac{1}{2}$ -inch diameter P/N 5141052-1 fork bolts with new P/N 5141052-1 or FAA-approved superseding part number fork bolts on the airplanes specified below or any lower airplane serial numbers on which these fork bolts have been installed as field replacements.

401—401B0054 and on.
402—402B0036 and on.
414—414-0099 and on.
421—421B0001 and on.

(C) Fork bolt life limits set by this AD may be extended 25 hours, up to 2,025 hours for $\frac{1}{2}$ -inch diameter fork bolts and 5,025 hours for $\frac{3}{4}$ -inch diameter fork bolts, to allow replacement at regular scheduled maintenance or inspections.

(D) Aircraft may be flown in accordance with FAR 21.197 to a base where this AD may be accomplished.

(E) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Cessna Service Letter ME75-23 or later approved revisions refers to this subject.

This amendment becomes effective July 7, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on June 22, 1976.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc.76-19148 Filed 7-2-76; 8:45 am]

[Docket No. 76-SO-58; Amdt. 39-2655]

PART 39—AIRWORTHINESS DIRECTIVES

Teledyne Continental Motors Model TSIO-520-L Engines

There have been cracks of the engine exhaust system on Teledyne Continental Motors TSIO-520-L engines that could result in hot exhaust gases entering the inside of the nacelle which could create a hazardous condition. Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued to require immediate inspection and replacement, if needed, of exhaust system components on Teledyne Continental Motors TSIO-520-L engines.

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 is amended by adding the following new airworthiness directive:

TELEDYNE CONTINENTAL MOTORS. Applies to all TSIO-520-L engines.

Compliance required within the next ten hours time in service after the effective date of this AD, unless already accomplished. Inspections covered in steps 1, 2, 3 and 4 below must be repeated each 25 hours time in service from the initial inspection until replaced by a new elbow TCM Part Number 642067 and new exhaust flange TCM Part Number 642066.

To detect cracks in the left hand rear exhaust elbow, P/N 640708, and the left and right hand flanges on the exhaust to turbo adapter, P/N 640712, and to provide sufficient end clearance between the connector tube assembly, P/N 640711, and the connector tube, P/N 640710, inspect, repair or replace, as required, in accordance with the following procedure:

1. Remove couplings, P/N 641284, from each side of the adapter.
2. Remove the left hand elbow, (2-4-6 side), P/N 640708, and carefully inspect in the area of the weld closest to the flange, and the flange fillet radius (see illustration for cracks).
3. Check elbow (2-4-6 side), P/N 640708, for distortion in the area shown below (see illustration).
4. If any cracks are evident and/or distortion is readily discernible, replace the elbow (2-4-6 side), P/N 640708. (Replace

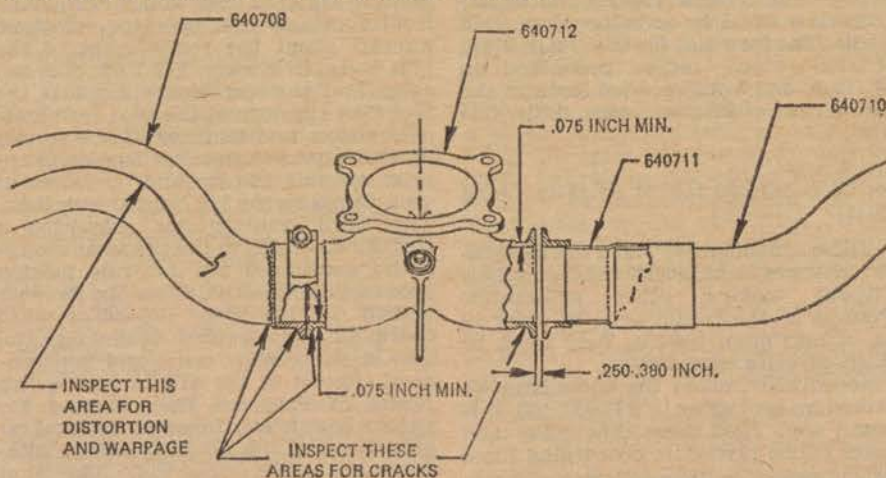
with new elbow 642067 and flange 642066 when parts become available.)

5. Slip the connector, P/N 640711, to the right on the elbow (1-3-5 side), P/N 640710, until it bottoms out. With the flanges aligned, the gap between the flange on the turbo adapter (P/N 640712) and the flange on the connector (P/N 640711) must exceed .250 inches but not exceed .500 inches all the way around as shown in illustration. If this gap is less than .250 inches, remove sufficient material from the end of the elbow (1-3-5 side), P/N 640710, to provide .250 to .380 inch gap. If the gap exceeds .500 inches, replace the elbow (1-3-5 side), P/N 640710, with one meeting this inspection requirement.

6. Remove the turbo adapter, P/N 640712, from the engine. Carefully inspect the turbo adapter, P/N 640712, for cracks in the flange fillet radii (see illustration). If cracks are observed, replace.

7. Using suitable micrometers or dial indicator calipers, inspect the turbo adapter, P/N 640712, wall thickness in the machined area adjacent to the flange fillet radius on the entire circumference. The minimum allowable thickness is .075 inches (see illustration). If the wall thickness is less than .075 inches in any local area, replace the turbo adapter, P/N 640712, with one meeting this inspection requirement.

8. Reinstall couplings, P/N 641284. Insure flanges are symmetrically aligned. Tighten couplings to approximately 42 in. lbs. torque. Tap outer periphery of band to distribute tension, then tighten to 50 to 60 in. lbs. of torque.



TCM Service Bulletin M76-14 covers this subject.

This amendment becomes effective July 15, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Georgia, on June 23, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-19212 Filed 7-2-76; 8:45 am]

[Docket No. 76-EA-3; Amdt. 39-2661]

PART 39—AIRWORTHINESS DIRECTIVE

DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the

Federal Aviation Regulations so as to issue an airworthiness directive applicable to DeHavilland DHC-4 type airplanes.

A review of the January, 1975, Canadian MOT Index of Airworthiness Directives indicates that all such directives which this agency deems to affect air safety, had not been promulgated as FAA airworthiness directives. To correct that oversight an omnibus airworthiness directive is being published containing six (6) rules/items. These deficiencies can exist or develop in similar type aircraft affecting air safety. Therefore, notice and public procedure hereon are impractical and good cause exists for making the rule effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89