

[Docket No. 76-CE-24-AD; Amdt. 39-2697]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 58P and 58PA Airplanes

There have been reports of cabin window cracking on Beech Model 58P airplanes. The window in question is located just forward of the cabin entrance door on the left side of the airplane. The cracking is caused by concentrated load paths created by the rigid structure around the door. This condition results in cabin decompression and could lead to an emergency situation. Since the condition described herein is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued, applicable to Beech Models 58P and 58PA airplanes, requiring inspection of the subject cabin window for cracks, and if not already accomplished the installation of a window frame reinforcement and thereafter repetitive inspections of the window for cracks. The AD will also provide that airplanes with the subject window cracked can be operated in this condition unpressurized until the window is replaced.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable 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.

BEECH. Applies to Models 58P and 58PA (Serial Numbers TJ-2 and up) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent cracking of the cabin window located just forward of the cabin entrance door on the left side of the airplane, with resultant loss of cabin pressurization, accomplish the following:

A. On Models 58P and 58PA (Serial Numbers TJ-2 thru TJ-19, TJ-21 thru TJ-45, TJ-47 thru TJ-54, TJ-56 thru TJ-58) airplanes that do not have the window frame reinforcement installed, as defined in Beechcraft Service Instruction 0828-110 or later approved revisions, accomplish the following in accordance with said service instruction:

1. Within 25 hours' time in service after the effective date of this AD and at the two next 50 hour time in service intervals thereafter, visually inspect the cabin window just forward of the cabin door on the left side of the airplane for cracks and if cracks are found during any inspection required herein, prior to any flight during which the cabin is pressurized, replace the window and install the window frame reinforcement.

2. If no cracks have been found during any inspection required in Paragraph A.1., within 100 hours' time in service after the initial inspection required by Paragraph A.1. install the window frame reinforcement and thereafter comply with the inspection and, if necessary, the replacement requirements required by Paragraph B.

B. On Models 58P and 58PA (Serial Numbers TJ-2 and up) airplanes that have the window frame reinforcement installed, as defined in Beechcraft Service Instruction 0828-110 or later approved revisions, accomplish the following in accordance with said service instruction:

Within 100 hours' time in service after the effective date of this AD, or within 100 hours' time in service after the installation of the window frame reinforcement specified in Paragraph A and at each 100 hours' time in service thereafter, visually inspect the cabin window just forward of the cabin door on the left side of the airplane for cracks and if cracks are found during any inspection required herein, replace the cracked window prior to any flight in which the cabin is pressurized.

C. On Models 58P and 58PA airplanes that are flown unpressurized following discovery of a window found cracked during any inspection required by Paragraphs A and B:

1. Fabricate a placard worded as follows "Do Not Pressurize In Flight" and
2. Install said placard near the cabin pressurization control switch, and
3. Operate the aircraft in accordance with the placard until the cracked window is replaced.

D. The inspection intervals set forth in Paragraph B of this AD may be extended 10 hours up to a maximum of 110 hours' time in service to allow compliance with Paragraph B in conjunction with regular scheduled maintenance or inspections.

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

This amendment becomes effective August 24, 1976.

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 Kansas City, Missouri, on August 10, 1976.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.76-24135 Filed 8-18-76; 8:45 am]

[Airspace Docket No. 76-RM-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Extension of VOR Airway

On June 17, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 24608) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign and extend V-26 from Cherokee, Wyo., to Grand Junction, Colo., via Meeker, Colo., and eliminate that portion of V-26 presently established between Celia INT, Colo., and Hayden, Colo.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT,

November 4, 1976, as hereinafter set forth.

§ 71.123 (41 FR 307) is amended as follows:

In V-26 "From Hayden, Colo., via INT Hayden 310° and Cherokee, Wyo., 191° radials; Cherokee; 37 miles, 52 miles, 111 MSL," is deleted and "Cherokee, Wyo.; Meeker, Colo.; Grand Junction, Colo.," is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 11, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.76-23926 Filed 8-18-76; 8:45 am]

[Docket No. 13235; Amdt. No. 137-6]

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

Agricultural Aircraft Operator Certificates

● The purpose of this amendment to Part 137 of the Federal Aviation Regulations is to permit the holder of a Part 133 rotorcraft external-load operator certificate to conduct an agricultural aircraft operation involving only the dispensing of water on forest fires by rotorcraft external-load means, without compliance with, among other things, the Part 137 operator certificate requirements.

This amendment is based on a Notice of Proposed Rule Making (Notice No. 75-7) issued on February 21, 1975, and published in the FEDERAL REGISTER (40 F.R. 8831) on March 3, 1975.

Interested persons were afforded an opportunity to participate in the making of this amendment and due consideration was given to all matters presented. Four comments were received in response to the notice. One commentator concurred with the notice; and two commentators generally agreed with the notice but objected to the exclusion of the operational use of fire retardant substances other than plain water as proposed.

The FAA does not agree that the dispensing of fire retardant chemicals other than water should be included in the amendment. The FAA is of the opinion that the dispensing of fire retardant chemicals requires a knowledge of the handling and dispensing of chemicals similar to that required of the holder of a Part 137 certificate. It would not, therefore, be in the public interest to permit rotorcraft external-load fire suppression operations dispensing fire retardant chemicals to be conducted without compliance with the requirements of Part 137.

However, the FAA is of the opinion that the holder of a Part 133 certificate is qualified to safely conduct rotorcraft external-load fire suppression operations, involving only the dispensing of water, by virtue of having met the Part 133

operating certificate requirement. Therefore, Part 137 is amended to permit the holder of a Part 133 rotorcraft external-load operator certificate to conduct an agricultural aircraft operation, involving only the dispensing of water on forest fires by rotorcraft external-load means, without compliance with the operator certificate requirements, among others, of Part 137. Specifically, this amendment excepts a Part 133 certificate holder from the requirement to obtain a Part 137 certificate, from compliance with the operating rules of Part 137 contained in §§ 137.31 through 137.35, 137.39, 137.41, and 137.51 through 137.59 and from compliance with the recordkeeping and reporting requirements contained in Subpart D. Under this amendment, a Part 133 certificate holder has to conduct operations in accordance with all of the rules of Part 133 governing rotorcraft external-load operations, and in compliance with the operating rules of Part 137 contained in §§ 137.29, 137.37, and 137.43 through 137.49.

This amendment is made under the authority of sections 313(a), 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a), 1421, and 1427) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 137 of the Federal Aviation Regulations is amended, effective September 20, 1976, as follows:

1. By amending § 137.11 by revising paragraph (a) and by adding a new paragraph (d) to read as follows:

§ 137.11 Certificate required.

(a) Except as provided in paragraphs (c) and (d) of this section, no person may conduct agricultural aircraft operations without, or in violation of, an agricultural aircraft operator certificate issued under this part.

(d) The holder of a rotorcraft external-load operator certificate under Part 133 of this chapter conducting an agricultural aircraft operation, involving only the dispensing of water on forest fires by rotorcraft external-load means, need not comply with this subpart.

2. By amending § 137.29 by revising paragraph (a), by redesignating paragraph (b) as paragraph (d), and by adding a new paragraph (e) to read as follows:

§ 137.29 General.

(a) Except as provided in paragraphs (d) and (e) of this section, this subpart prescribes rules that apply to persons and aircraft used in agricultural aircraft operations conducted under this part.

(b) [Reserved]

(d) Sections 137.31 through 137.35, 137.41, and 137.53 through 137.59 do not apply to persons and aircraft used in agricultural aircraft operations conducted with public aircraft.

(e) Sections 137.31 through 137.35, 137.39, 137.41, 137.51 through 137.59, and Subpart D do not apply to persons and

rotorcraft used in agricultural aircraft operations conducted by a person holding a certificate under Part 133 of this chapter and involving only the dispensing of water on forest fires by rotorcraft external-load means. However, the operation shall be conducted in accordance with—

(i) The rules of Part 133 of this chapter governing rotorcraft external-load operations; and

(ii) The operating rules of this subpart contained in §§ 137.29, 137.37, and 137.43 through 137.49.

Issued in Washington, D.C., on August 10, 1976.

JOHN L. MCLUCAS,
Administrator.

[FR Doc. 76-23930 Filed 8-18-76; 8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 150—LIMITS ON POSITIONS AND TRADING
Wheat

The Commodity Exchange Act, as amended ("Act"), 7 U.S.C. 1 et seq., provides that for the purpose of diminishing, eliminating or preventing excessive speculation the Commodity Futures Trading Commission ("Commission") may fix limits for an individual's positions and daily trading in any contract market. Positions and trading classified as bona fide hedging are exempt from such limits.

On June 3, 1976, a notice was published in the FEDERAL REGISTER¹ that the Commission was considering amendments to Part 150 of the regulations under the Act which would raise the speculative position and trading limits in wheat from two million bushels to three million bushels. The Commission proposed to adopt a separate section in Part 150 governing wheat position and trading limits and to delete wheat from the definition of those grains covered by the two million bushel limitation in § 150.1 of the regulations.

STATEMENT OF CONSIDERATION

Approximately 675 reprints of the Commission's notice were sent to interested persons in the futures market industry. Interested persons were given until July 5, 1976, to submit data, views or recommendations concerning the proposed revisions. Five written comments were received in response to the notice and all were considered. Four of the commentors supported the change while one opposed it.² The principal points raised by those supporting the change were that (1) the current wheat limits set by the Commodity Exchange Commission, which

¹ See 41 FR 22547 (June 3, 1976).

² The one commentor opposing the change felt that the change was not "... in the public interest, but in the interest of a few trade boards." This commentor did not provide reasons or an explanation supporting his opposition.

formerly established such limits, are outdated and arbitrary because of growth in the wheat marketing system, (2) outdated speculative position and trading limits may impair liquidity of the futures markets, and (3) speculative position and trading limits may not be particularly effective regulatory devices.

The Commission also considered conclusions reached by its Advisory Committee on the Economic Role of Contract Markets which was considering the role of speculation and hedging in futures markets. The Advisory Committee recommended that, in the long run, speculative limits should be de-emphasized and replaced by more flexible and effective regulatory measures. In the short run, the Committee recommended raising speculative position limits and relaxing the current restrictions on intra-day speculative trading. Concerning the current trading limits, the Committee's report notes that "the present flat numerical limit on the number of contracts a speculator may trade during the day actually cuts back participation of speculators at the very time when they are needed—on active trading days—reducing liquidity during the later hours of daily trading. These daily trading limits are probably more binding on market performance than the speculative position limits."

In view of the above, the Commission has determined to adopt its proposal to fix all trading and position limits for wheat at the level of three million bushels. The exchanges which are currently designated as contract markets in wheat are the Chicago Board of Trade, the Board of Trade of Kansas City, Missouri, the MidAmerica Commodity Exchange, and the Minneapolis Grain Exchange.

Therefore, pursuant to its authority under sections 4a(1) and 8a(5) of the Act, 7 U.S.C. 6a(1) and 12a(5), the Commission amends Part 150 in Chapter I of Title 17 of the Code of Federal Regulations by adopting a new § 150.12 of the regulations and by amending § 150.1(e) of the regulations as follows:

1. Section 150.1(e) is amended to read as follows:

§ 150.1 Limits on position and daily trading in grain for future delivery.

(e) *Definitions.* As used in this part the word "grain" includes oats, barley, and flaxseed, and the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations and trusts.

2. Section 150.12 is adopted to read as follows:

§ 150.12 Limits on position and daily trading in wheat for future delivery.

The following limits on the amount of trading under contracts of sale of wheat for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after August 20, 1976.

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in wheat on or subject to the rules of any one contract market is three million bushels in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount which any person may buy, and on the maximum amount which any person may sell, of wheat, on or subject to the rules of any one contract market during any one business day is 3 million bushels in any one future or in all futures combined.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions or positions, as provided in regulations issued pursuant to section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)) and section 404 of Pub. L. 93-463.

(d) *Manipulations; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

Section 4a of the Act requires that the effective date for Commission action setting trading and position limits shall be within a reasonable time, not to exceed ten days. The Commission therefore finds that compliance with the public procedures specified in 5 U.S.C. 553(d) would be contrary to the mandate of the Act and contrary to public interest. Accordingly, the Commission has adopted the foregoing rule, which applies to positions and trading for future delivery in wheat on or after August 20, 1976, pursuant to the authority contained in sections 4a and 8a(5) of the Commodity Exchange Act, as amended, 7 U.S.C. 6a and 12a(5).

Issued in Washington, D.C., on August 13, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures
Trading Commission.

[FR Doc.76-24264 Filed 8-18-76; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-233]

PART 1—GENERAL PROVISIONS

Ports of Entry

On June 25, 1976, there was published in the FEDERAL REGISTER (41 FR 26225) a notice of a proposal to establish a Customs port of entry at Battle Creek, Michigan, in the Detroit, Michigan, Customs district (Region IX). No comments were received in response to this proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 11 (41 FR 20198), Battle Creek, Michigan, is hereby designated as a Customs port of entry in the Detroit, Michigan, Customs district (Region IX).

The geographical limits of the Battle Creek, Michigan, port of entry shall include the Metropolitan Area of the City of Battle Creek, Michigan, comprising the Townships of Bedford, Battle Creek, Pennfield, and Emmett, and the Cities of Battle Creek and Springfield, all in Calhoun County, Michigan.

§ 1.2 [Amended]

To reflect this change, the table in section 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by inserting "Battle Creek, Michigan (T.D. 76-233)" directly below "Detroit" in the column headed "Ports of entry" in the Detroit, Michigan, Customs district (Region IX).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2).)

Effective date: This amendment shall become effective September 20, 1976.

Dated: August 13, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-24333 Filed 8-18-76; 8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 76N-0058]

PART 460—ANTIBIOTIC DRUGS INTENDED FOR USE IN LABORATORY DIAGNOSIS OF DISEASE

Susceptibility Discs

The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to specify the requirements

for submitting samples of antibiotic susceptibility discs for certification; effective August 19, 1976.

Regulations published in the FEDERAL REGISTER of September 30, 1972 (37 FR 20525) amended the antibiotic drug regulations in 21 CFR Part 147 (now 21 CFR Part 460 pursuant to recodification published in the FEDERAL REGISTER of May 30, 1974 (39 FR 18992)) by providing for revised labeling and standardized testing procedures for antibiotic susceptibility discs and by deleting and adding provisions for certain antibiotic discs. The amendments revised § 147.2 (now § 460.1), but paragraph (d), which concerned samples for certification and which was not intended to be affected by the amendments, was inadvertently omitted when the text of the section was published in the FEDERAL REGISTER. It has therefore not appeared in issues of the Code of Federal Regulations published since 1972.

Because objections and requests for hearing that were filed in response to the September 30, 1972 amendments have not yet been ruled on, the regulations as amended have not been considered a requirement by FDA. Although a number of firms have adopted the provisions of the amendments, other firms are abiding by the regulations in effect before the amendments. Notwithstanding the procedures followed, it is necessary that manufacturers know what samples and test results are to be submitted with a request for certification. Therefore, the Commissioner of Food and Drugs concludes that paragraph (d) should be restored to § 460.1; also, the section heading, as issued below, reflects minor editorial corrections.

The Commissioner further concludes that good cause exists for publishing this amendment without a period for public comment pursuant to 5 U.S.C. 553 (b) and (d) and for making the amendment effective immediately because it merely corrects an error of omission in text and does not change existing practice.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 460 is amended in § 460.1 by revising the section heading and adding paragraph (d) to read as follows:

§ 460.1 Certification procedures for antibiotic susceptibility discs.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 431.1 of this chapter, a person who requests certification of a batch of antibiotic susceptibility discs shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, and, unless it was previously submitted, the date on which the latest assay of the antibiotic used in making such