

rules and regulations

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Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

Exhibit G of Subpart A of Part 1822, Chapter XVIII, Title 7 of Code of Federal Regulations (41 FR 42641) is revised to delete one community and add six others to the list of rural areas of between 10,000 and 20,000 population, eligible for Farmers Home Administration (FmHA) rural housing programs. Also, Exhibit G is revised to correct the spelling of two towns.

The Secretary of Agriculture has determined that the six rural areas being added to the eligible list have a serious lack of credit for low- and moderate-income families. Since publishing for comment would delay these families from becoming eligible for the financing they need to obtain adequate housing, and thus would be contrary to the public interest, these revisions will become effective on January 10, 1977.

Exhibit G is also revised by deleting the town of "Albert Lea" where it appears under the State of Minnesota because the town, along with the surrounding area, is over 20,000 population and is thus not eligible for FmHA assistance. The additions and editorial corrections to the list of towns in Exhibit G are as follows:

Additions: The following six places are added to Exhibit G, Subpart A of Part 1822, Chapter XVIII, as eligible areas:

Kansas: after "Coffeyville" add "Dodge City," "Garden City," and "Great Bend."

Massachusetts: after "North Adams" add "Southbridge."

Pennsylvania: after "Oil City" add "Shamokin" and after "Indiana" add the place "Kulpmont—Mount Carmel—Marion Heights."

Corrections: Spelling of the following communities are corrected where they appear:

Puerto Rico: Humacao correctly spelled as "Humacao."

Texas: Synder correctly spelled as "Snyder."

Effective date: This revisions shall become effective on January 10, 1977.

(Delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of author-

ity by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: December 23, 1976.

FRANK B. ELLIOTT,
Administrator.

[FR Doc. 77-745 Filed 1-7-77; 8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 100—REACTOR SITE CRITERIA

Seismic and Geologic Design Bases

By letter dated February 11, 1975, Mr. David S. Fleischaker of Berlin, Rolsman, Kessler, and Cashdan, 1712 N Street, NW, Washington, D.C. 20036, counsel for the New England Coalition on Nuclear Pollution, filed a petition for rule making (PRM 100-1) with the Nuclear Regulatory Commission.

The petitioner requested that an opinion interpreting and clarifying Appendix A of 10 CFR Part 100, "Seismic and Geologic Siting Criteria for Nuclear Power Plants," with respect to the determination of the Safe Shutdown Earthquake, be issued. The question of interpretation raised in the petition is whether or not the maximum vibratory ground motion design basis for a nuclear power plant is limited to that associated with the maximum intensity earthquake of historical record, i.e., whether or not the Safe Shutdown Earthquake is necessarily the maximum intensity earthquake of historical record.

The petitioner also requested that, in the event a clarifying opinion is not issued, the Commission institute a rule-making proceeding pursuant to § 2.802 of 10 CFR Part 2, to amend Section V(a) (1) of Appendix A of 10 CFR Part 100 as follows:

1. Determination of the Safe Shutdown Earthquake. The Safe Shutdown Earthquake shall be determined by reference to the following guidelines which establish minimal requirements for evaluation of seismic and geologic information developed pursuant to the requirements of paragraph IV(a).

The Commission treated the matter as a petition for rulemaking, and a notice of filing of the petition, Docket No. PRM-100-1, was published in the FEDERAL REGISTER on May 14, 1975 (40 FR 20983). The public comment period ended July 14, 1975.

The Commission has considered the public comments received and other relevant information in its evaluation of the petition.

The procedures and investigations specified in Section V(a) (1) of the exist-

ing regulations result invariably in the Safe Shutdown Earthquake intensity being equal to or exceeding the maximum historic earthquake intensity experienced at a nuclear power plant site. These provisions of Appendix A are minimum requirements, and they have consistently been interpreted as such in licensing decisions. Section V(a) (1) (i) of Appendix A of the CFR Part 100 states in pertinent part that "The magnitude or intensity of earthquakes based on geologic evidence may be larger than that of the maximum earthquake historically recorded." Furthermore, Section II, "Scope," of Appendix A states in relevant part that "... more conservative determinations that those included in these criteria may be required for sites located in areas having complex geology or in areas of high seismicity."

The Commission does not believe that the specific clarifying language proposed by the petitioner would clarify Appendix A, add to its inherent safety, or improve its implementation, and, therefore, it has rejected the specific wording proposed by the petitioner. However, the Commission has accepted the substance of the petitioner's proposal and has decided to issue an amendment to Appendix A that clearly states that the maximum historic earthquake could be exceeded in the determination of the safe shutdown earthquake where warranted.

The Commission believes that this clarifying amendment will accomplish the petitioner's objective, and eliminate a possible source of misinterpretation. In particular, with regard to the determination of the Safe Shutdown Earthquake, and whether and under what conditions it may exceed the value derived by application of the methodology specified in Appendix A, the previous regulation provided the broad guidance that the "procedures in paragraphs (a) (1) (i) through (iii) of this section (Section V) shall be applied in a conservative manner." The amendment would clarify this guidance, in light of past experience in implementing the regulation by specifically providing that a larger Safe Shutdown Earthquake may be required when geological and seismological data warrant. Some conditions which might warrant selection of a larger Safe Shutdown Earthquake are: (1) Where the highest intensity of historically reported earthquakes is determined to have been experienced at the site taking into consideration site foundation conditions, (2) where seismicity in the immediate site vicinity is significantly higher than that generally existing in the tectonic province as a whole, (3) where there exists in

proximity to the site tectonic structure demonstrably like that found where larger earthquakes in the tectonic province have occurred historically.

Because the amendment which follows relates solely to minor matters of a clarifying nature, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary, and for making the amendment effective on January 10, 1977.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code the following amendment to Appendix A of 10 CFR Part 100 is published as a document subject to codification.

The fourth sentence of Section V(a) (1) (iv) of Appendix A of 10 CFR Part 100 is amended to read as follows:

V. SEISMIC AND GEOLOGIC DESIGN BASES

(a) *Determination of Design Basis for Vibratory Ground Motion.* ***

(1) *Determination of Safe Shutdown Earthquake.* ***

(iv) *** The procedures in paragraphs (a) (1) (i) through (a) (1) (iii) of this section shall be applied in a conservative manner. The determinations carried out in accordance with paragraphs (a) (1) (ii) and (a) (1) (iii) shall assure that the safe shutdown earthquake intensity is, as a minimum, equal to the maximum historic earthquake intensity experienced within the tectonic province in which the site is located. In the event that geological and seismological data warrant, the Safe Shutdown Earthquake shall be larger than that derived by use of the procedures set forth in Section IV and V of the Appendix. ***

Effective date: This amendment becomes effective on January 10, 1977.

(Sec. 161, Pub. L. 83-703, 88 Stat. 948 as amended (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, D.C., this 5th day of January 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 77-913; Filed 1-7-77; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13698; Amdt. 25-39]

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

Type A Passenger Emergency Exit Capacity

The purpose of this amendment to §§ 25.807(c) (2) and (c) (3) of Part 25 of the Federal Aviation Regulations (FAR) is to revise the maximum passenger seating configuration allowed for each pair of Type A exits from 100 to 110 for the type certification of transport category airplanes.

This amendment is based upon a proposal contained in a notice of proposed rule making (Notice 75-40) published in

the FEDERAL REGISTER on December 23, 1975 (40 FR 59354). Notice 75-40 was based, in part, upon comments received in response to an advance notice of proposed rule making published on May 10, 1974 (Notice 74-19, 39 FR 16900). Except as discussed herein, the reasons for this amendment are the same as those contained in Notice 75-40. The relevant comments are discussed below. Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all matter presented.

In general, the comments received in response to Notice 75-40 repeated issues that were raised in comments to Notice 74-19 and subsequently discussed in the preamble of Notice 75-40. Only the more significant of these repetitive comments are discussed herein.

Several commentators who favored an increase in the passenger seating limit for Type A exits contended that the limit could be safely increased to 117 or more. One of these commentators stated that the 117 value is approximately 85 percent of the demonstrated exit capacity as obtained from emergency evacuation tests. The commentator also stated that computer simulated emergency evacuation exercises indicated that 117 passengers could be successfully evacuated through a Type A exit to the ground within 90 seconds. Based on this, the commentator asserted that a passenger seating limit of 117 for each pair of Type A exits would be very conservative and would assure adequate passenger safety levels considering the possible existence of unknown factors which could affect in-service evacuations.

To the contrary, the commentators opposed to the proposed amendment asserted that the amendment would result in a reduction in the safety provided airplane occupants because of a lack of in-service Type A exit system reliability. In this connection, one commentator stated that during a recent year and one-half period at least seven accidents and incidents have occurred, with aircraft having Type A exits, that involved emergency evacuations and that 16 of the 37 Type A exits installed on the aircraft involved were unusable because of exit failures. Several commentators referenced a National Transportation Safety Board Special Study to indicate the problems associated with the maintenance, installation, and design, of current Type A exit systems and crew training related to exit use. The NTSB Special Study as well as several proposals made to the First Biennial Operations Review Program, relating to the reporting of in-service exit system problems, were referenced by commentators to indicate that Type A exit reliability cannot be accurately determined. With respect to basing a rule change on emergency evacuation test data, an FAA study was referenced to indicate the lack of realism in emergency evacuation tests.

As discussed in Notice 75-40, the regulatory provisions relating to Type A

exits in FAR § 25.807 were adopted by Amendment 25-15, effective October 24, 1967. That amendment also established the provision in § 25.803(c) that manufacturers show by demonstration that the maximum seating capacity of an airplane having a capacity of more than 44 passengers can be evacuated to the ground within 90 seconds, under conditions prescribed in the regulation. The preamble of Amendment 25-15 indicated that the allowable passenger seating limit of 100 that was established for each pair of Type A exits was less than the evacuation capacity that had been demonstrated by test.

With respect to the comments received that advocated a passenger seating limit in excess of 110, the data presented as justification was based on insufficiently conservative maximum evacuation times and minimum passenger flow rates. The suggested passenger seating limit based on that data is, therefore, also insufficiently conservative.

In regard to the issues raised by the commentators objecting to any increase in the passenger seating limit for Type A exits, the FAA has found no compelling justification for not adopting the proposed amendment. Since the adoption of Amendment 25-15 there have been a number of improvements in the design and maintenance of Type A exit systems. In tests, these systems have functioned in a reliable manner. The FAA believes that in-service reliability of Type A exit systems now warrants an increase in the passenger seating limit. In this connection, the FAA is unaware of any situation in which a passenger has been prevented from evacuating an airplane because of a Type A exit system failure in an accident referenced by the commentators. Furthermore, the FAA expects Type A exit system performance to improve in the future. The proposals referenced by the commentators that were submitted to the Biennial Operations Review Program (Notice 75-9, 40 FR 8685) are related to achieving such a result. Regarding emergency evacuation demonstration realism, those demonstrations are made as realistic as possible and are more demanding than numerous actual emergency evacuations. Moreover, it should be noted that passenger seating limits are not entirely based on data obtained from emergency evacuation demonstrations and that those demonstrations are conducted with one-half of the airplane's exits not being used. Based on the comments and the data available, the increase in the type certification passenger seating limit for Type A exits from 100 to 110, being adopted herein, is justified and will provide for more economic airplane utilization with no adverse effect on safety.

One commentator presumed that the new passenger seating limit for Type A exits could be applied to existing aircraft. That presumption is correct. Under the provisions of Subparts D and E of FAR Part 21, relating to type certificate changes, application could be made for approval of an increased passenger seating capacity for existing air-

craft types. The FAA does not agree with the same commentator's contention that additional emergency evacuation demonstrations would never be necessary after such an increase. The evacuation demonstration requirements of FAR §§ 25.803 and 121.291 are necessary to properly evaluate an entire emergency evacuation system. It should be noted, however, that §§ 25.803 and 121.291, by their own terms, might not require new evacuation demonstrations, depending on the extent of the increase in passenger seating capacity and the extent of cabin configuration change.

In consideration of the foregoing, effective February 10, 1977, Part 25 of the Federal Aviation Regulations is amended as follows:

§ 25.807 [Amended]

1. By revising the table in § 25.807(c) (2) to read as follows:

Additional emergency exits (each side of fuselage):	Increase in passenger seating configuration allowed
Type A.....	110
Type I.....	45
Type II.....	40
Type III.....	35

2. By amending the last sentence of § 25.807(c) (3), to read—"A passenger seating configuration of 110 seats is allowed for each pair of Type A exits and a passenger seating configuration of 45 seats is allowed for each pair of Type I exits."

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

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

Issued in Washington, D.C., on December 29, 1976.

JOHN McLUCAS,
Administrator.

[FR Doc 77-799 Filed 1-7-77; 8:45 am]

[Docket No. 76-EA-80; Amdt. 39-2804]

PART 39—AIRWORTHINESS DIRECTIVE
Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 73-23-01 applicable to Lycoming type aircraft engines.

In continuation of the manufacturer's research into all engines which may still be subject to AD 73-23-01 additional engine numbers are being added to the outstanding directive.

Since the air safety problem connected with the issuance of the initial directive, notice and public procedure hereon are impractical and cause exists for making the directive effective in less than 30 days.

We have determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

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 amending AD 73-23-01, as follows:

§ 39.13 [Amended]

Amend AD 73-23-01 as follows.—1. Revise applicability paragraph to read "Applies to all Lycoming series engines and all engines overhauled by Lycoming (also known as remanufactured) listed below and in Lycoming Service Bulletin No. 367F and in Supplement No. 1 for Lycoming Service Bulletin No. 367F."

2. Add the following engine numbers to the 0-360 series. L-17475-36A through L-17479-36A.

3. Add the following engine numbers to the 10-540-A1A5, -B1A5, -C1A5, -C4B5, -D4A5, -E1A5, -E1B5, -G1D5, -J4A5, -K1A5, -K1B5, -K1C5, -K1E5, -K1E5D series. L-10303-48, L-10304-48, L-10306-48 through L-10308-48, L-10317-48 through L-10320-48, L-10564-48 through L-10567-48, L-10569-48, L-10577-48.

NOTE.—The Federal Aviation Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

This amendment is effective January 13, 1977.

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

Issued in Jamaica, N.Y., on December 30, 1976.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc 77-797 Filed 1-7-77; 8:45 am]

[Airworthiness Docket No. 76-WE-12-AD; Amdt. 39-2802]

PART 39—AIRWORTHINESS DIRECTIVES
McDonnell Douglas Model DC-10 Series
Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a one-time inspection of the rigging of the air conditioning compartment doors and modification of the doors and their latching mechanism on McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-30, DC-10-30F, and DC-10-40 airplanes was published in 41 FR 29714.

Interested persons have been afforded an opportunity to participate in the making of the amendment.

Commentators concurred that a one-time rigging check should be performed on those aircraft not previously checked at the factory. However, they have commented that credit should be given for checks performed previous to the latest

maintenance manual instructions as cited in the proposed amendment. FAA agrees that performance of the rigging procedure is essential for proper maintenance of the air conditioning compartment door. However there have been numerous revisions to that procedure. To maintain continuity within the fleet, the requirements of the latest revision to the maintenance manual rigging procedure will be used. Some modifications to that procedure will be incorporated in the AD to eliminate some unnecessary steps and to allow for previously performed steps. Commentators stated that, while a secondary handle latch mechanism would provide redundancy to the primary door handle latch, mandatory compliance for installation of those mechanisms per McDonnell Douglas Service Bulletin 52-116 and 52-122 is unjustified. FAA agrees since the rigging procedure requires a handle pull test and there has been no service experience that would indicate a need for that modification.

Commentators stated that the proposed requirement to install latch spool end plates per Douglas Service Bulletin 52-122 is unjustified in view of only minimal door deflection under the pressurization tests performed at Douglas. FAA concurs and we further note that the rigging procedure requires latch/spool over-center verification which is the intended purpose of the end plates. Commentators stated that the proposed requirement to reinforce the door structure per McDonnell Douglas Service Bulletin 52-122 would not be justified since the door structural adequacy is not in question. FAA agrees and further notes that Service experience does not indicate a need for that requirement.

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:

McDONNELL DOUGLAS. Applies to Model DC-10-10, DC-10-10F, DC-10-30, DC-10-30F, and DC-10-40 airplanes, certificated in all categories.

Compliance required within the next 2000 flight hours after the effective date of this AD, unless already accomplished.

To prevent in-flight separation of an air conditioning compartment access door, accomplish the inspection and rigging procedure specified in the DC-10 Maintenance Manual, Chapter 52-42-01, Temporary Revision 52-231, dated September 17, 1976, paragraph 3, or later FAA approved revision with the following manual amendments:

(a) Steps outlined in 3.A.(1), (a) thru (d) and 3.A.(2) may be omitted.

(b) Before accomplishing steps 3.A.(3), (a), and (b) and (3a), (a) through (g) inspect the doors to verify that the clearance does not exceed 1.2 inches between the lower edge of the door and door jamb. If this dimension is not exceeded, steps 3.A.(3), (a) and (b) and (3a), (a) thru (g) may be omitted. Otherwise, those steps must be performed.

An equivalent procedure may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.