

rules and regulations

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[6325-01-M]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: Schedule A exception for two Program Officers in the Division of Research and Stipends, National Endowment for the Humanities is amended to reflect the division's current designation as Division of Fellowships.

EFFECTIVE DATE: October 27, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3182(b)(8) is amended as set out below:

§ 213.3182 National Foundation on the Arts and the Humanities.

• • • • •

(b) *National Endowment for the Humanities* • • • • •

(8) Until September 30, 1980, two Program Officers, Division of Fellowships.

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

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,

*Executive Assistant
to the Commissioners.*

[FR Doc. 78-35839 Filed 12-26-78; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This authority excepts from the competitive service all positions at grades GS-15 and below on

the staff of the National Commission on Social Security with the provision that no one may serve under this authority after January 31, 1981. This exception is granted because it is impracticable to examine for these positions.

EFFECTIVE DATE: December 13, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3199(x) is added as set out below:

§ 213.3199 Temporary Boards and Commissions.

• • • • •

(x) *National Commission on Social Security.* (1) Positions at GS-15 and below on the staff of the National Commission on Social Security. No one may serve under this authority after January 31, 1981.

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

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,

*Executive Assistant
to the Commissioners.*

[FR Doc. 78-35838 Filed 12-22-78; 8:45 am]

[3410-37-M]

Title 7—Agriculture

CHAPTER XXVIII—FOOD SAFETY AND QUALITY SERVICE, DEPARTMENT OF AGRICULTURE

Miscellaneous Amendments

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations are being changed to correct organizational titles which were changed due to reorganization of agencies, to change the references to the Rules of Practice for the withdrawal of inspection or grading services in the affected regulations to reflect a recodification of the rules, to delete some obsolete material, and to correct some misspelled words.

These amendments are solely of a housekeeping nature.

EFFECTIVE DATE: December 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Ashley R. Gulich, Food Safety and Quality Service, United States Department of Agriculture, Room 3944, South Building, Washington, D.C. 20250, Phone: (202) 447-3506.

SUPPLEMENTAL INFORMATION:

In June 1977, the Grading and Standardization Branches of the Poultry Division and the Inspection and Standardization Branches of the Dairy Quality Division in the newly organized Food Safety and Quality Service were placed in a Poultry and Dairy Division. Thus, references in the organizational titles such as Poultry Division or Dairy Division now becomes Poultry and Dairy Quality Division. Some definitions referring to organizational titles have been changed for clarification. Procedures for the withdrawal of grading or inspection service referenced in the affected regulations have been recodified from Part 2850 to 7 CFR, Part 1, Subpart H. These amendments to the regulations reflect this change. In addition, several misspelled words have been corrected and some obsolete material deleted.

Accordingly, 7 CFR, Parts 2855, 2856, 2858, 2859, and 2870 are amended as follows:

PART 2855—VOLUNTARY INSPECTION OF EGG PRODUCTS AND GRADING

§ 2855.2 [Amended]

1. In § 2855.2, the definition of "Class" is amended by changing the word preceding "processing" from "or" to "of"; and a new definition is added in alphabetical order to read as follows: "Chief of the Grading Branch" means the Chief of the Poultry Grading Branch, Poultry and Dairy Quality Division, Food Safety and Quality Service.

§ 2855.200 [Amended]

2. In § 2855.200(a), the second sentence is amended to read: "The rules of practice governing withdrawal of inspection and grading services in formal adjudicatory proceedings instituted by

the Secretary (7 CFR, Part 1, Subpart H) shall be applicable to such debarment action."

§ 2855.560 [Amended]

3. Section 2855.560(a)(2)(vi) is amended by changing the words "Poultry Division" to read: "Poultry and Dairy Quality Division".

PART 2856—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

§ 2856.1 [Amended]

4. In § 2856.1, the definition for "Grading" or "grading service" is amended by deleting the words "or sampler," and a new definition is added in alphabetical order to read as follows:

"Chief of the Grading Branch" means the Chief of the Poultry Grading Branch of the Poultry and Dairy Quality Division, Food Safety and Quality Service."

§ 2856.6 [Amended]

5. Section 2856.6 is amended by deleting the words "and samplers".

§ 2856.31 [Amended]

6. In § 2856.31(a), the second sentence is amended to read: "The rules of practice governing withdrawal of grading services in formal adjudicatory proceedings instituted by the Secretary (7 CFR, Part 1, Subpart H) shall be applicable to such debarment action."

§§ 2856.52, 2856.54 [Amended]

7. Sections 2856.52(a)(2)(vi) and 2856.54(a)(1)(vi) are amended by changing the words "Poultry Division" to read: "Poultry and Dairy Quality Division."

PART 2858—GRADING AND INSPECTION GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

8. In § 2858.1, the definitions for "Branch", "Director", and "Division" are amended to read as follows:

§ 2858.1 Meaning of words.

"Branch" means the Dairy Inspection Branch of the Poultry and Dairy Quality Division.

"Director" means the Director of the Poultry and Dairy Quality Division, or any other officer or employee of the Division to whom authority has heretofore been delegated or to whom authority may hereafter be delegated, to act in his stead.

"Division" means the Poultry and Dairy Quality Division of the Food Safety and Quality Service.

§ 2858.50 [Amended]

9. In § 2858.50(d), the wording "Chief of the Inspection and Grading Branch, Dairy Division, Food Safety and Quality Service" is amended to read: "Chief of the Dairy Inspection Branch, Poultry and Dairy Quality Division, Food Safety and Quality Service."

§ 2858.58 [Amended]

10. In § 2858.58(a), the second sentence is amended to read: "The rules of practice governing withdrawal of inspection and grading services in formal adjudicatory proceedings instituted by the Secretary (7 CFR, Part 1, Subpart H) shall be applicable to such debarment action."

§§ 2858.812, 2858.2657 [Amended]

11. In §§ 2858.812 and 2858.2657, the words "Dairy Division" are changed to read: "Poultry and Dairy Quality Division".

§ 2858.2606 [Amended]

12. In § 2858.2606, the words "Dairy Divisions" are changed to read: "Poultry and Dairy Quality Division".

§ 2858.2678 [Amended]

13. In § 2858.2678, the text beginning with the word "Dairy" and continuing to the end of the section is amended to read as follows:

"Poultry and Dairy Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250."

§ 2858.2707 [Amended]

14. In § 2858.2707, the words "Dairy Division, C&MS," are changed to read: "Poultry and Dairy Quality Division, Food Safety and Quality Service".

§ 2858.2726 [Amended]

15. In § 2858.2726(b), the words "Dairy Standardization" are changed to read: "Poultry and Dairy Quality Division".

PART 2859—INSPECTION OF EGGS AND EGG PRODUCTS

§ 2859.5 [Amended]

16. In § 2859.5, a new definition is added in alphabetical order to read:

"Chief of the Grading Branch" means Chief of the Poultry Grading Branch, Poultry and Dairy Quality Division, Food Safety and Quality Service.

§§ 2859.142, 2859.310 [Amended]

17. Sections 2859.142 and 2859.310(b) are amended by placing a period in lieu of the comma after the word "Branch" and deleting the wording "Poultry Division, Food Safety and Quality Service."

§ 2859.160 [Amended]

18. In § 2859.160, paragraph (a) is amended by changing the wording "(following the procedures of Title 7, Part 2850 of the Code of Federal Regulations)" to read: "(following the procedures of 7 CFR, Part 1, Subpart H)"; and paragraph (f)(3) is amended by changing the wording "(Part 2850 of this chapter)" to read: "(7 CFR, Part 1, Subpart H)."

§ 2859.539 [Amended]

19. Section 2859.539(b) is amended by changing the word "odors" to "odors".

§ 2859.920 [Amended]

20. In § 2859.920, the first sentence of the text is amended to read as follows:

"Each person importing any eggs or egg products shall make application for inspection upon PY Form 222—Import Request, Eggs and Egg Products, to the Chief, Poultry Grading Branch, Poultry and Dairy Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, or to the Poultry and Dairy Quality Division, Poultry Grading Branch office at the port where the product is to be offered for importation."

§ 2859.930 [Amended]

21. In § 2859.930, the wording under "NOTICE" is amended to read as follows:

"This package of _____ must be delivered intact to an inspector of the Poultry and Dairy Quality Division, U.S. Department of Agriculture."

PART 2870—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS AND U.S. CLASSES, STANDARDS, AND GRADES

§ 2870.1 [Amended]

22. In § 2870.1, a new definition is added in alphabetical order to read as follows: "Chief of the Grading Branch" means Chief of the Poultry Grading Branch, Poultry and Dairy Quality Division, Food Safety and Quality Service.

§ 2870.38 [Amended]

23. In § 2870.38(c), the wording "(7 CFR Part 2850)" is amended to read: "(7 CFR, Part 1, Subpart H)."

§ 2870.40 [Amended]

24. In § 2870.40, the second sentence is amended to read: "The rules of practice governing withdrawal of grading services in formal adjudicatory proceedings instituted by the Secretary (7 CFR, Part 1, Subpart H) shall be applicable to such debarment action."

§§ 2870.73, 2870.76 and 2870.77 [Amended]

25. Sections 2870.73, 2870.76(a)(1)(vi), and 2870.77(a)(2)(vi) are amended by changing the words "Poultry Division" to read: "Poultry and Dairy Quality Division."

(60 Stat. 1087, 7 U.S.C. 1621 et seq.; 84 Stat. 1620, 21 U.S.C. 1031 et seq.)

These amendments are solely for clarification and housekeeping purposes and do not substantially affect any member of the public. Dr. D. L. Houston has therefore determined that, pursuant to the authority of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these amendments are impracticable and contrary to the public interest and, further, it is found that these amendments should be made effective less than 30 days after publication in the *FEDERAL REGISTER* so that they may appear in the next issue of the Code of Federal Regulations for the benefit and use of the public.

Further, these amendments have not been designated "significant" under the USDA criteria implementing Executive Order 12044 and an impact analysis was not prepared.

Done at Washington, D.C. on: December 20, 1978.

DONALD L. HOUSTON,
Administrator, Food Safety
and Quality Service.

[FR Doc. 78-35875 Filed 12-22-78; 8:45 am]

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-EA-88; Amdt. 39-3377]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Piper PA-36-285, -300, -375 type airplanes and requires repetitive inspections and replacement where necessary of the rod end bearings in the elevator and aileron system for corrosion. The purpose of the requirement is to preclude seizure in the socket which can result in failure in the neck down area of the shank. This failure can lead to loss of control.

EFFECTIVE DATE: December 26, 1978. Compliance is required as set forth in the AD.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 1745.

FOR FURTHER INFORMATION CONTACT:

J. Maher, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There had been reports of corroded rod end bearings on these aircraft used in agricultural spraying. The corrosion leads to, eventually, loss of control. The amendment requires repetitive inspections and allows replacement with a more corrosion-resistant bearing. Since this deficiency affects air safety, notice and public procedure hereon are impractical and good cause exist for making the rule effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

Piper: Applies to Piper Model PA-36-285 and PA-36-300, Serial Nos. 36-7360001 thru 36-7760123, 36-7760125 thru 36-7860001, 36-7860003, 36-7860007, 36-7860010 thru 36-7860015, 36-7860017 thru 36-7860019, 36-7860021 thru 36-7860024, 36-7860027 thru 36-7860031, 36-7860034, 36-7860036, 36-7860041, 36-7860043 thru 36-7860045, 36-7860047, 36-7860049 thru 36-7860051, 36-7860061 thru 36-7860063, 36-7860069, 36-7860071, 36-7860073 thru 36-7860079, 36-7860081 thru 36-7860083, 36-7860086 thru 36-7860114 and 36-7860116 and Model PA-36-375, Serial Nos. 36-7802002 thru 36-7802019, 36-7802021 thru 36-7802023, 36-7802025 thru 36-7802029, 36-7802031, 36-7802040 thru 36-7802042 and 36-7802049 certificated in all categories.

To prevent hazards in flight associated with the seizing of rod end bearings in the elevator and aileron control systems, accomplish the following:

(a) Within the next ten hours in service from the effective date of this AD or upon the attainment of 50 hours total time in service whichever is later, unless previously accomplished within the previous 50 hours, and at intervals not to exceed 50 hours in service from the last inspection, inspect and replace the rod end bearings in the elevator and aileron system controls in accordance with the "Instructions Section—Paragraphs 1 thru 5" of Piper Service Bulletin No. 608 dated July 11, 1975, or equivalent.

(b) Equivalent inspections and parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) Upon the installation of Heim MSS-3D, -4D and -5D rod end bearings for Piper part numbers 452633, 452590 and 452645, respectively, compliance with the inspection requirements of (a) may be canceled.

(d) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the inspection intervals specified in this AD.

Effective Date: This amendment is effective December 26, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); and 14 CFR 11.89)

Issued in Jamaica, New York, on December 12, 1978.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc. 78-35546 Filed 12-22-78; 8:45 am]

[4910-13-M]

[Docket No. 78-EA-94; Amdt. 39-3378]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Piper PA-38-112 type airplanes and requires inspection of the bend radius of the vertical fin forward spar attachment plate for cracks. The purpose of the replacement is to prevent hazards associated with weakening of the vertical fin.

EFFECTIVE DATE: December 26, 1978. Compliance is required within five (5) hours in service.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 1745.

FOR FURTHER INFORMATION CONTACT:

J. Maher, Airframe Section, AEA-

212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York, 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION:

There had been a report of the presence of a forming crack in the bend radius of the vertical fin forward spar attachment plate. In addition, a survey of parts inventory revealed an additional number of defective plates. In view of the hazard, an immediate distribution was made of this AD by air mail on October 13, 1978, to all known owners of the subject aircraft requiring the same inspection. Since the same hazard still exists and to assure complete promulgation of the AD, this amendment is being issued requiring the same inspection. With the existence of the hazard, notice and public procedure hereon are impractical and good cause exist for making the amendment effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

Piper: Applies to Model PA-38-112, Serial Numbers 38-78A0001 thru 38-78A06552, 38-78A0653, 38-78A0655, 38-78A0656, 38-78A0658, 38-78A0660, 38-78A0661, 38-78A0664 thru 38-78A0672, 38-78A0674, 38-78A0676, 38-78A0677, 38-78A0680 thru 38-78A0682, 38-78A0686, 38-78A0690, 38-78A0693, 38-78A0701, 38-78A0702, 38-78A0708, 38-78A0711, 38-78A0717, 38-78A0723, 38-78A0729, 38-78A0734 and 38-78A0749 certificated in all categories.

To avoid possible hazards in flight associated with a crack in the vertical fin forward spar attachment plate accomplish the following within the next five hours in service unless previously accomplished:

a. Remove the dorsal fin fairing P/N 77607-02 and inspect the forward bend radius of the vertical fin forward spar attachment plate P/N 77553-5 for cracks using a dye penetrant inspection method.

b. If a cracked plate is found, replace with an undamaged part of the same part number before further flight, except a ferry flight to a place of repair may be authorized in accordance with FAR 21.197 with prior approval of the Chief, Engineering & Manufacturing Branch, FAA, Eastern Region.

(Piper Service Bulletin No. 628A refers to this subject)

Effective Date: This amendment is effective December 26, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); and 14 CFR 11.89.)

Issued in Jamaica, New York, on December 12, 1978.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc. 78-35547 Filed 12-22-78; 8:45 am]

[4910-13-M]

[Docket No. 78-CE-10-AD; Amdt. 39-3379]

PART 39—AIRWORTHINESS DIRECTIVES

Cesna 140A, 150, A150, 170, 172, 175, P172, 177, 180, 182, 185/A185, 188/A188, 205, 206, U206/TU206, P206/TP206, 207/T207, 210/T210, 336, and 337/T337 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This Amendment adds a new Airworthiness Directive (AD), applicable to the above Cessna Series airplanes, which requires installation of vented fuel caps to provide alternate fuel tank venting. This action is necessary because there have been several instances of fuel tank vent system obstruction by foreign material and/or sticking of the fuel vent valve in the existing fuel tank vent system. These have caused loss of engine power and resulted in aircraft accidents.

EFFECTIVE DATE: January 30, 1979.

COMPLIANCE TIME: Within 100 hours time-in-service after the effective date of this AD.

ADDRESSES: Cessna Service Letter No. SE77-6, dated March 4, 1977, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201. A copy of the service instructions cited above is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591, and at the Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Donald L. Page, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-3446.

SUPPLEMENTARY INFORMATION: On June 1, 1978, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to the several Cessna Series airplanes listed above and published it in the FEDERAL REGISTER on June 15, 1978 (43 FR

25831, 25832). This proposal required installation of vented fuel caps to provide alternate fuel tank venting. The action was proposed to prevent fuel starvation should the primary vent system become obstructed by foreign material or sticking of the fuel vent valve.

Interested persons were invited to participate in this rule making by submitting written comments on the proposal to the FAA. One comment to the docket was received.

The commenter stated that the Cessna Model 180 should not be included in the airplanes to which the AD is applicable because no reports of fuel vent blockage were received on this model, and expressed the opinion that the mud daubers would render the vented caps ineffective by plugging the additional vents in caps. The use of a fuel vent cover as an alternate measure to preclude insect blockage of the fuel vent was also suggested. The commenter also stated that the procedure required by the Executive Office was not complied with by the FAA on this AD. In response thereto, the FAA agrees that no reports have been received on Cessna Model 180 airplanes. However, it believes that this model should also be included because reports have been received on the Cessna Model 182 having the same vent system design. The FAA believes that the same probability of vent blockage exists on these two models and attributes the lack of service reports on the Model 180 to the lower exposure of the lesser numbers of airplanes of this model. With respect to the blockage of the vented caps by insects, the design of the vents in the cap is such that this is precluded.

The FAA considered the use of a fuel vent cover as an alternative to the proposed action but concluded that the probability of the pilot forgetting to install the cover when parking the airplane or remove the cover during the preflight inspection was such that this solution might not correct the problem and could introduce another unsafe condition. The use of a flap valve, which opens automatically in the airstream, was not considered practical because the shape of the vent tube and its location behind the wing strut in the turbulent airstream disturbed by this strut is such that positive opening of the valve cannot be assured.

Finally, we presume that when the commentator referred to the "Executive Office", it was a reference to the applicable laws, regulations and orders involved in issuing ADs. We wish to advise that this rule making action complies with all the requirements of the Administrative Procedures Act and applicable Executive Orders.