

rules and regulations

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[3410-02]

Title 7—Agriculture

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

[Navel Orange Regulation 438]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 7-13, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 7, 1978.

FOR FURTHER INFORMATION CONTACT

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION:
Findings. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices,

and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

The committee met on April 4, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges was easier during the last 7-day period.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.738 Navel Orange Regulation 438.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period April 7, 1978, through April 13, 1978, are established as follows: (1) District 1: 770,000 cartons; (2) District 2: 180,000 cartons; (3) District 3: Unlimited movement.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

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

Dated: April 5, 1978.

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

[FR Doc. 78-9406-Filed 4-5-78; 11:35 am]

[3410-02]

[Valencia Orange Regulation 583; Valencia Orange Regulation 582, Amdt. 1]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period April 7-13, 1978, and increases the quantity of such oranges that may be so shipped during the period March 31, to April 6, 1978. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective April 7, 1978, and the amendment is effective for the period March 31 to April 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION:
Findings. 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 Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on April 4, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges continues strong this week but is ex-

pected to decrease somewhat next week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 908.883 Valencia Orange Regulation 583.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period April 7, 1978, through April 13, 1978, are established as follows: (1) District 1: 109,053 cartons; (2) District 2: 55,304 cartons; (3) District 3: 200,000 cartons.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

2. Paragraph (a)(3) in § 908.882 Valencia Orange Regulation 582 (43 FR 13367), is hereby amended to read:

"(3) District: 275,000 cartons."

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

Dated: April 5, 1978.

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

[FR Doc. 78-9405-Filed 4-5-78; 11:34 am]

[3128-01]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION¹

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

PART 303—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Appeal from Interpretations

AGENCY: Department of Energy.

¹EDITORIAL NOTE: Chapter II will be renamed at a future date to reflect that it

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) hereby amends its petroleum and coal price and allocation procedural regulations to eliminate administrative appeals from interpretations issued by the Office of the General Counsel and to institute related procedural changes. These amendments are adopted substantially in the form proposed. This action is being taken because the DOE regards administrative appeal of formal interpretations as unnecessary and inappropriate.

EFFECTIVE DATE: April 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles Cope (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 1119, Washington, D.C. 20461, 202-566-9070.

SUPPLEMENTARY INFORMATION:

On January 13, 1978, DOE issued a notice of proposed rulemaking (43 FR 2729, January 19, 1978, as corrected at 43 FR 3568, January 26, 1978) in which DOE proposed to amend its petroleum price and allocation procedural regulations to eliminate administrative appeal of formal interpretations issued by the Office of the General Counsel or Regional Counsels pursuant to 10 CFR Part 205, Subpart F, while preserving the right to seek modification or rescission of an interpretation at any time under Subpart F of Part 205. The preamble to the proposed regulation indicated that it was DOE's intention to delegate to the Assistant General Counsel for Interpretations and Rulings the authority to issue formal interpretations. The DOE also proposed to revise the procedural regulations to permit applications for reconsideration of an interpretation to be submitted to the General Counsel of the DOE within 30 days of the issuance of the interpretation. A parallel change in the procedural regulations applicable to the coal program at 10 CFR Part 303, Subpart G, was also proposed.

DOE received six written comments in response to the notice of proposed rulemaking, including four late comments. All these comments were taken into account in formulating the amendments adopted today.

Most of the comments received supported the amendments proposed by DOE. Some of the comments proposed additional changes. One proposal was to impose a time limit for responding to requests for interpretation. DOE believes that this suggestion is outside the scope of the rulemaking proceeding and is unnecessary in view of various steps taken within the last year

contains regulations administered by the Department of Energy.

by DOE which have substantially reduced both the backlog of interpretation requests and the time required to respond to such requests. Another proposal was to strictly construe the definition of "aggrieved," which appears in §§205.2 and 303.2, in order to restrict the number of "aggrieved persons" who may file a request for reconsideration under the new reconsideration provisions proposed in the notice of proposed rulemaking (§§ 205.85(f) and 303.95(f)). These provisions, as proposed, permitted "any persons aggrieved by an interpretation" to submit a request for reconsideration. The pre-existing appeal provision permitted "any person aggrieved by an interpretation" to submit an appeal. The number of persons which have filed appeals of interpretations has not been excessive and no undue delays have been encountered because of this language. DOE has therefore made no change in this respect in the amendments adopted today.

DOE, has, however, revised the reconsideration provision in another respect to minimize undue delay. Sections 205.85(f) and 303.95(f), as adopted, provide that a petition for reconsideration will be deemed denied if the General Counsel does not respond to the petition within 60 days of receipt of the petition. The General Counsel may, however, extend the time for such response by notifying the petitioner of such extension within the 60-day period. In all other respects the amendments adopted today reflect the amendments as proposed.

The new procedures adopted today are effective April 1, 1978. DOE will apply the new procedures to interpretations issued on or after April 1, 1978, while continuing to apply the appeals procedures in effect prior to April 1, 1978, to any appeal of an interpretation filed pursuant to those procedures prior to April 1, 1978. DOE will also permit appeals to be filed on or after April 1, 1978, in connection with any interpretation issued prior to April 1, 1978, if the 30-day period for filing an appeal has not run by that date. However, in such cases, if all parties served with the interpretation agree, DOE will review an interpretation as a petition for reconsideration under the new procedures adopted today.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Parts 205 and 303 of Chapter II, Title 10 of the Code of Federal Regulations,

are amended as set forth below, effective April 1, 1978.

Issued in Washington, D.C., March 34, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration,
Department of Energy.

1. The definition of "Interpretation" in § 205.2 is amended to read as follows:

§ 205.2 Definitions.

"Interpretation" means a written statement issued by the General Counsel or his delegate or Regional Counsel, in response to a written request, that applies the regulations, rulings, and other precedents previously issued, to the particular facts of a prospective or completed act or transaction.

2. Section 205.80(a) is revised to read as follows:

§ 205.80 Purpose and scope.

(a) This subpart establishes the procedures for the filing of a formal request for an interpretation and for the consideration of such request. Responses, which may include verbal or written responses to general inquiries or to other than formal written requests for interpretation filed with the General Counsel or his delegate or a Regional Counsel, are not interpretations and merely provide general information.

3. In § 205.85(a) the words "or his delegate" are added after the words "General Counsel."

4. In § 205.85 paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 205.85 Decision and effect.

(a) An interpretation may be issued after consideration of the request for interpretation and other relevant information received or obtained during the proceeding.

(f)(1) Any person aggrieved by an interpretation may submit a petition for reconsideration to the General Counsel within 30 days of service of the interpretation from which the reconsideration is sought. There has not been an exhaustion of administrative remedies until a period of 30 days from the date of service of the interpretation has elapsed without receipt by the General Counsel of a petition for reconsideration or, if a petition for reconsideration of the interpretation has been filed in a timely manner, until that petition has been acted on by the General Counsel. However, a petition to which the General Counsel does not

respond within 60 days of the date of receipt thereof, or within such extended time as the General Counsel may prescribe by written notice to the petitioner concerned within that 60 day period, shall be considered denied.

(2) A petition for reconsideration may be summarily denied if—

(i) It is not filed in a timely manner, unless good cause is shown; or

(ii) It is defective on its face for failure to state, and to present facts and legal argument in support thereof, that the interpretation was erroneous in fact or in law, or that it was arbitrary or capricious.

(3) The General Counsel may deny any petition for reconsideration if the petitioner does not establish that—

(i) The petition was filed by a person aggrieved by an interpretation;

(ii) The interpretation was erroneous in fact or in law; or

(iii) The interpretation was arbitrary or capricious. The denial of a petition shall be a final order of which the petitioner may seek judicial review.

5. Section 205.86 is revised to read as follows:

§ 205.86 Appeal.

There is no administrative appeal of an interpretation.

§§ 205.100 and 205.101 [Amended]

6. The words "or interpretation" and references to Subpart F, are deleted wherever they appear in §§ 205.100 and 205.101.

§ 205.102(a) [Amended]

7. In § 205.102(a) the words "or an 'Appeal of Interpretation,'" are deleted.

§ 205.103 [Amended]

8. Section 205.103(c) is deleted in its entirety.

§ 205.105 [Amended]

9. The words "or interpretation" are deleted wherever they appear in § 205.105.

§ 205.107 [Amended]

10. In § 205.107(a) the words "or interpretation" are deleted.

§§ 205.130, 205.132, and 205.134 [Amended]

11. In §§ 205.130, 205.132(a), 205.132(b) and 205.134(a) the words "or interpretation" are deleted.

§ 205.135 [Amended]

12. In § 205.135(b) the words "or interpretation" are deleted wherever they appear.

13. The definition of "Interpretation" in § 303.2 is amended to read as follows:

§ 303.2 Definitions.

"Interpretation" means a written statement issued by the General

Counsel or his delegate, in response to a written request, that applies the regulations, rulings, and other precedents previously issued, to the particular facts of a prospective or completed act or transaction.

14. Section 303.90(a) is revised to read as follows:

§ 303.90 Purpose and scope.

(a) This subpart establishes the procedures for the filing of a formal request for an interpretation and for the consideration of such request. Responses, which may include verbal or written responses, to general inquiries or to other than formal written requests for interpretation filed with the General Counsel or his delegate, are not interpretations and merely provide general information.

§ 303.92 [Amended]

15. In § 303.92, the words "or his delegate" are added after the words "General Counsel."

16. In § 303.95 paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 303.95 Decision and effect.

(a) An interpretation may be issued after consideration of the request for interpretation and other relevant information received or obtained during the proceeding.

(f)(1) Any person aggrieved by an interpretation may submit a petition for reconsideration to the General Counsel within 30 days of service of the interpretation from which the reconsideration is sought. There has not been an exhaustion of administrative remedies until a period of 30 days from the date of service of the interpretation has elapsed without receipt by the General Counsel of a petition for reconsideration or, if a petition for reconsideration of the interpretation has been filed in a timely manner, until that petition has been acted on by the General Counsel. However, a petition to which the General Counsel does not respond within 60 days of the date of receipt thereof, or within such extended time as the General Counsel may prescribe by written notice to the petitioner concerned within that 60 day period, shall be considered denied.

(2) A petition for reconsideration may be summarily denied if—

(i) It is not filed in a timely manner, unless good cause is shown; or

(ii) It is defective on its face for failure to state, and to present facts and legal argument in support thereof, that the interpretation was erroneous in fact or in law, or that it was arbitrary or capricious.

(3) The General Counsel may deny any petition for reconsideration if the petitioner does not establish that—

(i) The petition was filed by a person aggrieved by an interpretation;

(ii) The interpretation was erroneous in fact or in law; or

(iii) The interpretation was arbitrary or capricious. The denial of a petition shall be a final order of which the petitioner may seek judicial review.

17. Section 303.96 is revised to read as follows:

§ 303.96 Appeal.

There is no administrative appeal of an interpretation.

§§ 303.100 and 303.101 [Amended]

18. The words "or interpretation" and references to Subpart G, are deleted wherever they appear in §§ 303.100 and 303.101.

§ 303.102 [Amended]

19. In § 303.102(a) the words "or an 'Appeal of Interpretation (ESECA)'" are deleted.

§ 303.103 [Amended]

20. In § 303.103 the words "or interpretation" are deleted.

§ 303.106 [Amended]

21. The words "or interpretation" are deleted wherever they appear in § 303.106.

§ 303.108 [Amended]

22. In § 303.108(a) the words "or interpretation" are deleted.

23. The heading for Subpart K of Part 303 is amended to read as follows:

Subpart K—Modification or Rescission of Orders Other Than Prohibition Orders or Construction Orders

§§ 303.140 and 303.143 [Amended]

24. In §§ 303.140(a), 303.140(b), and 303.143(c)(2) the words "or an interpretation" are deleted.

§ 303.144 [Amended]

25. In § 303.144(a) the words "or interpretation" are deleted.

§ 303.145 [Amended]

26. In § 303.145(b)(1) the words "or an interpretation" are deleted.

27. The words "or interpretation" are deleted wherever they appear in § 303.145(b)(2)(iii).

28. In § 303.145(c) the words "or interpretation" are deleted.

[FR Doc. 78-9033 Filed 4-5-78; 8:45 am]

[6690-01]

Title 12—Banks and Banking

CHAPTER IV—EXPORT-IMPORT BANK OF THE UNITED STATES

PART 404—DISCLOSURE OF INFORMATION

Correction

AGENCY: Export-Import Bank of the United States.

ACTION: Correction of Amendment to Regulations.

SUMMARY: This corrects the language amending the regulations governing the disclosure of information under the Freedom of Information Act (12 CFR Part 404) which appeared at 42 FR 56316 on October 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Warren W. Glick, General Counsel, Export-Import Bank of the United States, 811 Vermont Avenue NW., Washington, D.C. 20571, 202-566-8834.

The language amending § 404.5(c) of the regulations should read as follows:

In § 404.5(c), delete "Executive Vice President" wherever it appears and insert in lieu thereof "President and Chairman."

WARREN W. GLICK,
General Counsel.

MARCH 29, 1978.

[FR Doc. 78-9056 Filed 4-5-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-NE-04; Amdt. 39-3169]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric Co. CJ610 -5 and -6 Turbojet and CF700 -2C, -2D, and -2D-2 Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On March 9, 1978, an emergency telegraphic AD was issued requiring removal from service of certain sixth and seventh stage compressor disks, and the inspection and removal, if necessary, of certain first stage compressor disks on CJ610 -5 and -6 turbojet and CF700 -2C, -2D, and -2D-2 turbofan engines. These

disks are suspected to be from a forging lot manufactured from improper material. The AD is now being published in the FEDERAL REGISTER as an amendment to the Federal Aviation Regulations.

DATE: Effective date, April 6, 1978. Compliance schedule—as prescribed in text of AD.

ADDRESSES: To obtain copies of the service bulletins referenced in the AD, contact Customer Service and Support Manager, General Electric Co., 1000 Western Avenue, Lynn, Mass. 01910. Copies of the service bulletins are contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

Donald F. Perrault, Propulsion Section (ANE-214), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803; telephone: 617-273-7337.

SUPPLEMENTARY INFORMATION:

The telegraphic Airworthiness Directive adopted and made effective to all known U.S. operators of General Electric Co. CJ610 -5 and -6 turbojet and CF700 -2C, -2D, and -2D-2 turbofan engines on March 9, 1978, was required as a result of an uncontained low cycle fatigue failure of a seventh stage compressor disk on a military J85 engine. This disk was from a forging lot manufactured from improper material. Other specific CJ610/CF700 engine disks are also suspected to be from this lot.

The telegraphic Airworthiness Directive required removal from service of certain serial numbered sixth stage and seventh stage compressor disks prior to further flight, and the inspection and removal from service, if necessary, of certain serial numbered first stage compressor disks.

These conditions still exist and this AD is now being published in the FEDERAL REGISTER as an amendment to section 39.13 of part 39 of the Federal Aviation Regulations.

Since a situation exists that requires immediate adoption of the 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.

DRAFTING INFORMATION

The principal authors of this document are Donald F. Perrault, Engineering and Manufacturing Branch, Flight Standards Division, and George L. Thompson, Associate Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

GENERAL ELECTRIC Co.: Applies to CJ610 -5 and -6 turbojet and CF700 -2C, -2D, and -2D-2 turbofan engines with compressor disks identified by serial numbers below.

Compliance required prior to further flight, unless already accomplished.

To prevent low cycle fatigue failure of compressor disks suspected to have improper material accomplish the following:

1. Remove from service sixth stage compressor disks, P/N 37D401316P101, and seventh stage compressor disks, P/N 37D401317P101, having serial numbers listed below and replace with serviceable disks:

Serial Nos.: Stage 6: 07911, 07932; Stage 7: 08742, 08745, 08756, 08760, 08761, 08767, 08806, 08815, 08818, 08822, 08825, 08826, 08832, 08849, 08851, 08853, 08867, 08873, 08876, 08879, 08891, 08895, 08897, 08899, 09120, 09127, 09145.

2. Inspect first stage compressor disks, P/Ns 37E501428P102 and 37E501428P106, with serial numbers listed below for material properties in accordance with General Electric Co. CJ610 engine Alert Service Bulletin No. (CJ610) A72-130, dated March 8, 1978, or CF700 engine Alert Service Bulletin No. (CF700) A72-140, dated March 8, 1978, as appropriate, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region:

Serial Nos.: 09804, 09811, 09818, 09825, 09847, 09861.

3. Disks determined to be satisfactory per General Electric Co. inspection procedures may be returned to service. Replace unsatisfactory disks with serviceable disks.

4. Disks removed from service are to be forwarded to General Electric Co. for evaluation.

The manufacturer's service bulletins identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Customer Service and Support Manager, General Electric Co., 1000 Western Avenue, Lynn, Mass. 01910. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C.

This amendment becomes effective April 6, 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)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Mass., on March 27, 1978.

NOTE.—The incorporation by reference provisions of this document were approved by the Director of the Federal Register on June 19, 1967.

ALBERT E. HOUCK,
Acting Director.

[FR Doc. 78-8961 Filed 4-5-78; 8:45 am]

[4910-13]

[Docket No. 17717; Amdt. 39-3172]

PART 39—AIRWORTHINESS
DIRECTIVES

Hawker Siddeley Aviation, Ltd.

Model AW-650 Series 101 Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires detailed inspections of the intermediate to center wing joints for corrosion and rework as necessary on Hawker Siddeley Aviation, Ltd., AW-650 series 101 airplanes. The AD is prompted by a report of serious exfoliation corrosion being found in the wing joints which could result in the loss of the wing in flight.

DATE: Effective April 20, 1978. Compliance required before further flight unless already accomplished.

ADDRESSES: The applicable service bulletin and reports referenced therein may be obtained from: Hawker Siddeley Aviation, Ltd., Product Support Department, Woodford, Stockport, Cheshire, England, Telephone: 061-439-5050. A copy of the service bulletin and report referenced therein are contained in the rules docket for this amendment in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION
CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: There has been a report of serious corrosion being found in the intermediate to center wing joints on a Hawker Siddeley Aviation, Ltd., AW-650 Series 101 airplane. The condition was detected upon dismantling and inspecting an AW-650 airplane after similar corrosion was initially found on the military AW-660 version of the aircraft. Since this condition is likely to exist or develop on other airplanes of this same type design, an airworthiness directive is being issued to require inspection and rework as necessary of the intermediate to center wing joints

on Hawker Siddeley Aviation, Ltd., Model AW-650 series 101 airplanes.

Since a situation exists that requires the 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.

DRAFTING INFORMATION

The principal authors of this document are F. J. Karnowski, Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and P. Lynch, Office of the Chief Counsel.

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to AW-650 Series 101 airplanes certificated in all categories.

To detect corrosion in the wing joints which if left undetected could seriously affect the structural strength of the wing, accomplish the following:

(a) Before further flight, except that the airplane may be flown in accordance with FAR 21.197 and 21.199 to a base where the work can be performed, dismantle the intermediate to center joints and inspect and rework as necessary in accordance with the section entitled "Accomplishment Instructions" of Hawker Siddeley Aviation, Ltd. Service Bulletin 57/55, dated September 1977, or an FAA-approved equivalent.

For the purpose of complying with this AD the following Hawker Siddeley Aviation, Ltd., reports referenced in Service Bulletin 57/55 are applicable:

HSA-MES-R-650-0001, Issue 2, December 1977.

HSA-MES-R-650-0002, Issue 2, December 1977.

HSA-MES-R-650-0003, Issue 3, January 1978.

HSA-MES-R-650-0004, Issue 3, January 1978.

HSA-MES-R-650-0005, Issue 2, December 1977.

HSA-MES-R-650-0006, Issue 3, January 1978.

This amendment becomes effective April 20, 1978.

(Secs. 313(a), 601, and 603 Federal Aviation Administration 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)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on March 27, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 78-8946 Filed 4-5-78; 8:45 am]