

contractors at \$3.5 million in annual receipts. The effect would be to raise the present size standard for general construction contractors from \$2 million to \$3.5 million and decrease the size standard for special trade construction contractors from \$5 million to \$3.5 million. Also, the size standard for service companies is proposed to be raised from \$2 million to \$3.5 million.

DATE: Comments must be received by June 19, 1978.

ADDRESS: Comments should be submitted to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Room 800, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Danny J. Gibb, Chief Underwriter, Surety Bond Guarantee, 1441 L Street NW., Washington, D.C. 20416, 202-653-6117.

SUPPLEMENTARY INFORMATION: This proposal was prompted by a need for a Surety Bond Guarantee size standard for all construction contractors. Presently, a general construction concern is small for the purpose of receiving surety bond guarantee assistance if its annual receipts (or average annual receipts of its preceding 3 fiscal years) do not exceed \$2 million. In the case of special trade construction (plumbing, heating, electrical, masonry, etc.), the Surety Bond Guarantee program uses the financial assistance standards which are set at \$5 million (regardless of the special trade involved). This results in a surety bond guarantee size standard for the special trade industries set at an unrealistic \$5 million, as compared with the \$2 million general construction standard. Thus the proposed rule will provide a Surety Bond Guarantee size standard for all (general and special trade) construction contractors at \$3.5 million. Special trade contractors, however, which are already receiving surety bond guarantee assistance and now have annual receipts in excess of \$3.5 million, will be eligible as long as their receipts do not exceed the old size standard of \$5 million.

Accordingly, pursuant to the authority in section 308(c), 15 U.S.C. 687(c), and section 411(a), 15 U.S.C. 694b(a) of the Small Business Investment Act of 1958, it is proposed to amend part 121 as follows:

§ 121.3-15 Definition of small business for the purpose of surety bond assistance.

A small business concern for the purpose of surety bond guarantee assistance is a concern that qualifies as a small business under § 121.3-10, with the following exceptions:

(a) *Construction.* Any construction concern (general and special trade) is

small if its annual receipts for its preceding fiscal year or its average annual receipts for its preceding 3 fiscal years do not exceed \$3.5 million. *Provided,* That those special trade contractors now receiving Surety Bond Guarantee assistance and having annual receipts in excess of \$3.5 million, will be permitted to continue receiving surety bond guarantee assistance until such time as their annual receipts (or as averaged over the contractor's last 3 fiscal years) exceed \$5 million.

(b) *Service.* Any concern performing a contract for services (including but not limited to services set forth in Division I, Services, of the Standard Industrial Classification Manual) is classified as small if its annual receipts for its preceding fiscal year or its average annual receipts for its preceding 3 fiscal years do not exceed \$3.5 million.

(Catalog of Federal Domestic Assistance Program No. 59.016, Bond Guarantees For Surety Companies.)

Dated: May, 4, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-13612 Filed 5-18-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[PDR-54A; Docket No. 32466; Dated: May 15, 1978]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS EXPEDITED PROCEDURES FOR LICENSING AND RATES CASES

Supplemental Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This notice extends for 25 days the filing date for comments in a rulemaking proceeding about expedited hearing procedures. This action was requested by the American Bar Association.

DATES: Comments by June 30, 1978. Reply comments by July 17, 1978.

ADDRESSES: Comments should be sent to Docket 32466, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Docket comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Gary J. Edles, Deputy General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5234.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking PDR-54, dated April 18, 1978 (43 FR 19403, May 5, 1978), the Board proposed to establish expedited hearing procedures for (a) processing applications for new or modified route authority by U.S. and foreign carriers, and (b) ratemaking cases. Comments in response to the notice are due June 5, 1978, with reply comments due June 20.

In a letter dated May 10, 1978, the American Bar Association (ABA) requested an extension until June 30 of the period for filing initial comments in response to PDR-54, and a corresponding extension of the reply comment period. The main reason stated for the request is that the extension is essential to useful and meaningful participation by the ABA, in view of the time needed for its Administrative Law Council to review its Aviation Subcommittee's recommended comments.

Upon consideration of the above, the undersigned finds good cause to grant this request for a reasonable extension of time for the preparation of views on the proposed rule.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the time for filing initial comments is extended to June 30, 1978. The time for filing reply comments is extended to July 17, 1978.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, (49 U.S.C. 1324.))

SIMON J. EILENBERG,
Associate General Counsel,
Rules Division.

[FR Doc. 78-13666 Filed 5-18-78; 8:45 am]

[6320-01]

[14 CFR Part 302]

[Docket 32466]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

EXPEDITED PROCEDURES FOR LICENSING AND RATE CASES

Supplemental Notice of Proposed Rulemaking

MAY 15, 1978.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Civil Aeronautics Board has previously published a notice of proposed rulemaking (PDR-54) designed to reduce regulatory delay by expediting procedures for licensing and rate cases. This document is in response to inquiries received by our staff requesting clarification on route cases.

DATES: Comments by: June 30, 1978. Reply comments by: July 17, 1978.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 32466, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Gary J. Edles, Deputy General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5234.

SUPPLEMENTARY INFORMATION: Our notice of rulemaking (43 FR 19403, May 5, 1978) said at page 3 that the Board's judges disposed of seventy-eight cases during the FY ended September 30, 1976, of which twenty-two—or about 28 percent—were route cases, that they disposed of ninety-nine cases during FY ended September 30, 1977 of which 31—or 31 percent—were route matters, and that 117 cases were on hand at the end of FY 1977. Our staff has received an inquiry about what percentage of the 117 cases were route cases. The answer is that 22 cases, or about 19 percent were route cases. Of the remaining cases 11 involved foreign air carrier permits, 8 involved rates, 3 involved mergers or acquisitions, and 73 were enforcement matters. We provide this information which we hope will be helpful in responding to our notice of rulemaking.

(Sec. 204, 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481, Administrative Procedure Act, 5 U.S.C. 551 et seq.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-13720 Filed 5-18-78; 8:45 am]

[7510-01]

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

[14 CFR Part 1210]

**DEVELOPMENT WORK FOR INDUSTRY IN
NASA WIND TUNNELS**

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rules.

SUMMARY: NASA currently does not have a prescribed policy and procedure for industry to request the use of NASA wind tunnels. These proposed

rules define the classes of NASA wind tunnels and the classes of industry work, and provide information on scheduling, occupancy time charges, and test data transmitted.

DATE: Comments or suggestions respecting the proposed revision should be submitted in writing not later than June 19, 1978.

ADDRESS: Director, Space Technology Coordinating Office, Code RC, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT:

Fred J. DeMeritte, telephone 202-755-8501.

SUPPLEMENTARY INFORMATION: NASA current rules deal primarily with the unitary wind tunnel plan facilities and do not specifically indicate a method for industry to follow to request wind tunnel time for NASA wind tunnels. This proposed revision covers all NASA wind tunnels and outlines how to request wind tunnel time, and also updates the general material contained in Part 1210.

1. 14 CFR Part 1210 is revised in its entirety to read as follows:

**PART 1210—DEVELOPMENT WORK FOR
INDUSTRY IN NASA WIND TUNNELS**

- 1210.1 Introduction.
- 1210.2 General classes of work.
- 1210.3 Priorities and schedules.
- 1210.4 Company projects.
- 1210.5 Government projects.
- 1210.6 Test preparation and conduct.

AUTHORITY: 50 U.S.C. 511-515, 42 U.S.C. 2473(c) (5) and (6).

§ 1210.1 Introduction.

(a) *Authority.* The regulations, as they apply to the Unitary Wind Tunnel Plan facilities, are promulgated under authority of the Unitary Wind Tunnel Plan Act of 1949, Pub. L. 85-568, and codified in 50 U.S.C. 511-515. This statute states that "The facilities authorized * * * shall be operated and staffed by the National Aeronautics and Space Administration but shall be available primarily to industry for testing experimental models in connection with the development of aircraft and missiles. Such tests shall be scheduled and conducted in accordance with industry's requirements, and allocation of laboratory time shall be made in accordance with the public interest, with proper emphasis upon the requirements of each military service and due consideration of civilian needs."

(b) *Unitary wind tunnel plan facilities.* The unitary wind tunnel plan facilities are the Ames Research Center 11- by 11-foot wind tunnel, 9- by 7-foot wind tunnel, and 8- by 7-foot wind

tunnel; the Langley Research Center 4- by 4-foot high Mach number test section and the 4- by 4-foot low Mach number test section; and the Lewis Research Center 10- by 10-foot wind tunnel. These wind tunnels are operated by NASA for industry, NASA, the Department of Defense, and other Governmental agency projects.

(c) *National aeronautical facilities.* When completed, the national aeronautical facilities will be the national transonic facility at Langley Research Center and the modified 40- by 80-foot wind tunnel at Ames Research Center. The wind tunnels will be operated by NASA for industry, NASA, the Department of Defense, and other Government agency projects.

(d) *All other wind tunnels.* All other NASA wind tunnels will be used primarily for NASA research. However, all of these wind tunnels may be used for industry work when it is in the public interest either in joint programs with NASA or on a fee basis.

(e) *NASA policy.* All the projects to be performed in any of the NASA wind tunnels must be appropriate to the facility.

§ 1210.2 General classes of work.

Work for industry in the NASA facilities shall be divided into four project categories:

(a) *Company projects.* Includes work for industry on:

(1) Projects which are neither under contract nor supported by a letter of intent from a Government agency, and

(2) Company desired tests which are related to a project which is either under contract with or supported by a letter of intent from a Government agency, but are beyond the scope of the tests requested by the Government agency. A fee will be charged for these company projects.

(b) *Government projects.* Includes work for industry on projects which are either under contract with or supported by a letter of intent from a Government agency. The work must be requested by the Government agency. No fee will be charged for this type of work. (An exception is the national transonic facility for which a reimbursable policy is being developed.)

(c) *United States/foreign industry consortium projects.* This involves U.S. companies, which have formed a consortium or any other type of association with foreign companies, that desire tests on aerospace projects of joint or foreign interest. An application for work for such a consortium shall disclose the foreign interest in or anticipated foreign benefit from tests to be conducted and shall first be reviewed by the Director, International Affairs Division for consistency with current U.S. foreign policy and for compatibility with section 102 of the National Aeronautics and Space Act of

1958, as amended, prior to a final decision being reached on the application. A fee will be charged for these consortium projects unless, in the review procedure above, it is determined that Government agency cooperative sponsorship warrants a nonfee arrangement.

(d) *Foreign company projects.* Foreign company requests for wind tunnel use that are not related to U.S. Government or U.S. industry interests or programs will generally not be granted and will in no event be granted prior to a review, as required in paragraph (c) of this section, by the Director, International Affairs Division.

§ 1210.3 Priorities and schedules.

(a) *Priorities.* Unitary wind tunnels shall be available primarily to industry for development work. However, allocations of laboratory time shall be in accordance with the public interests, with proper emphasis upon the requirements of the military services and due consideration of civilian needs. Research work shall have priority in all other NASA facilities. Priority conflicts may be referred to the Associate Administrator for Aeronautics and Space Technology for review and final determination.

(b) *Schedules.* Schedules showing the allocation of testing time for Government projects and for company projects for unitary wind tunnels and other major wind tunnels will be established by the appropriate Center each month for the ensuing 3-month period and submitted to NASA Headquarters, Attn.: Code RA, by the first day of each month.

§ 1210.4 Company projects.

(a) *Initiation of company projects.* Company projects will be initiated by a letter to the Center Director followed by a conference between company and NASA representatives at the Center having responsibility for the facility proposed for the project. The company representatives will be required to explain the technical need for the project and why the NASA facility is required, as well as to define the extent of the test program, model and equipment requirements, and schedule. The Center shall maintain a file of all company requests and their disposition. The company may be required to provide a safety analysis report (SAR) to augment the wind tunnel SAR by describing potential hazards that the company test program, model and equipment may present to NASA facilities and personnel.

(b) *Scheduling of tests.* In scheduling time for company projects, the responsible NASA Center will take into account priorities as specified in § 1210.3 and all projects, including Government, company, and NASA research work relative to the national interest.

Every reasonable attempt will be made to accommodate technically justifiable projects on as timely a basis as possible.

(c) *Fees for company projects.* The policy on charges for the use of NASA facilities is explained in NASA Management Instruction 9080.1A, dated November 21, 1975, titled, "Review, Approval and Imposition of User Charges." The fee imposed for a company project will cover all direct and indirect costs to NASA for the wind tunnel test.

(1) *Occupancy time charge.* (i) The occupancy time will be computed from the start of installation of the test article in the wind tunnel test section through the time on which the test article is removed from the test section and the test section restored to its original condition.

(ii) The occupancy time rate will be computed from the sum of the annual cost of the operating crew plus the estimated annual maintenance cost of the facility and will be determined in accordance with NASA Management Instruction 9080.1A.

(iii) The sum of the annual cost for the operating crew and the estimated annual maintenance cost divided by the number of operational weeks, depending on the facility, gives the weekly occupancy rate. This fee will be charged per basic week of 5 days, each day to be one-fifth week. The remaining weeks over the number of operational weeks for each year are the estimated maintenance reserve and holiday allowance; hence, no charge will be made for a holiday occurring during a test period.

(2) *Energy/fuel.* The charge for energy/fuel will be determined from the energy/fuel consumed during the tests and the actual cost to the NASA.

(3) *Data reduction.* The cost of data reduction and the data report will include labor, materials, computing machine rental, and appropriate indirect charges in accordance with NASA Management Instruction 9080.1A.

(4) *Cancellation of scheduled wind tunnel time.* Upon determination of a test schedule by the representatives of the company and of the NASA, it becomes the responsibility of the company to meet this schedule. A project may be canceled by the company without charge on 60 days' notice depending upon the readiness of succeeding projects. In the event subsequently scheduled work cannot be scheduled in lieu of the company's work, when canceled with less than 60 days' notice, the company shall be required to pay the occupancy time charge for the scheduled test period or for the period the facility test section is idle due to the cancellation, whichever results in the smaller charge. Curtailment of a project underway before the end of the scheduled test period may be made

by the company. In this event, the company shall be required to pay the occupancy charge for the time used plus the unused scheduled time or for the idle time of the test section, whichever is the smaller.

(5) *High power requirements.* Unavailability of adequate power or economic considerations may, on occasion, cause delay or cancellation of high-powered test runs. The company shall cooperate with the facility staff in the scheduling of low-powered runs during periods when large blocks of power are unavailable. However, should rescheduling of test runs to accommodate power shortages be impractical, occupancy time charge credits will be made for time lost arising from such shortages. The basis for these credits, which will also be made for delays due to breakdown of malfunction of Government-furnished equipment or instrumentation, or due to other reasons beyond the control of the company, will be determined by each Center. The test period allotted for the program may be extended to offset delays in lieu of refund.

(d) *Test data transmittal.* The basic data for company projects will be transmitted to the requesting company without detailed analysis but with the necessary description of methods and techniques employed to permit proper interpretation of the data.

(e) *Proprietary rights.* In order to protect the trade secrets of companies, NASA will generate one set of final results, which will become the property of the company and be promptly transmitted to the company. If, subsequently, there is need to review the results, it will be the responsibility of the company to provide the NASA Center with copies of the resulting data on loan. Upon completion of the review, the data will be returned to the company. Should the company desire to maintain its trade secret rights in the data during the loan period, it should mark the data with a notice stating that the data shall not be used or disclosed other than for review purposes without prior written permission of the company. NASA, in turn, will protect that data covered by the notice which is protected under the law as a trade secret.

(f) *Test preparation and conduct* (see § 1210.6).

§ 1210.5 Government projects.

(a) *Initiation of Government projects.* Government projects shall be initiated through a conference of representatives from the contracted company, the sponsoring Government agency, and the staff of the NASA Center having responsibility for the facility proposed for the project. The purpose of the conference will be to establish the technical basis for the project and why the NASA facility is

required as well as to define the extent of the test program, model and instrumentation requirements, and schedule. Upon concurrence of the Center Director, the sponsoring Government agency will submit a letter of request to NASA Headquarters for approval as well as clearing the request through the projects allocation and priority group (see paragraph (b) of this section). A safety analysis report (SAR) may be required to augment the wind tunnel SAR by describing the potential hazards that the project test program, model, and equipment may present to NASA facilities and personnel.

(b) *Projects allocation and priority group.* For coordinating Government projects, there is a group established jointly by the Department of Defense and the NASA. It consists of one representative each from the Air Force, Army, Navy, and NASA, competent to determine military priorities in the use of the NASA and other Government-owned facilities. The group is known as the aircraft, missile and propulsion projects allocation and priority group.

(c) *Scheduling of tests.* Government projects will be scheduled with due consideration of the priorities established by the projects allocation and priority group.

(d) *Test data transmitted.* The basic data for Government projects, without detailed analysis but with the necessary description of methods and techniques employed to permit the proper interpretation of the data, will be transmitted to the company for whom the tests were made and the sponsoring Government agency. Further disclosure by NASA of the test results will be made only with the prior concurrence of the sponsoring Government agency.

§ 1210.6 Test preparation and conduct.

(a) *Programming by user.* The user will be given the greatest possible freedom within the objectives of the scheduled program to obtain the precise information it requires, to determine the sequence and number of test runs to be made, and to make modifications to the program arising from the results currently being obtained, subject to requirements of safety, energy conservation, practicability, and the total time assigned.

(b) *Instrumentation.* Each facility will provide basic instrumentation suitable for the test range of the respective facility and computing equipment for the reduction of test data. Information will be furnished for each facility on the permissible size of model, standard balances, safety margins to be used in the construction of models, model mounting details, and other pertinent factors. If the basic instrumentation furnished by the facility does not meet the test require-

ments, the company will provide suitable instrumentation which will generally be calibrated by the facility staff to insure accuracy of measurement. This instrumentation will be made available sufficiently in advance of the test date to accomplish the calibration. Serious delays arising from inaccuracies in user supplied instrumentation, if occurring during the scheduled test period, may result in reassignment of the position of the tests on the facility schedule. Detailed specifications and arrangements for special instrumentation will be established by mutual agreement. All model criteria required by the facility for safety consideration including the necessary drawings and stress analyses of the articles to be tested will be furnished at a time specified by the facility staff for their use in preparing for the test. The user will also be required to furnish all information necessary to prepare the data reduction software program at a date specified by the facility staff.

(c) *Test program.* All tests will be conducted under NASA supervision and by NASA personnel or by NASA support service contractor personnel unless approved otherwise by the facility manager. By agreement between the user (company representatives and the requesting agency) and the Center staff, changes in the test program may be made within the objectives of the scheduled program if time is available. When tests are not totally conducted by NASA personnel or by NASA support service contractor personnel, the NASA Field Installation Safety Officer shall verify that the company personnel are fully cognizant of facility safety problems and operations. A current SAR on the facility shall be available to the company personnel for review.

(d) *Handling test data.* The NASA staff will be responsible for obtaining all test data, its reduction to suitable coefficient form, and the accuracy of the final data, but the NASA will assume no responsibility for the interpretation of the data by others. Transmittal of the data will be made as rapidly as possible. For company projects, the data will be transmitted as directed by the company. The data for Government projects will be transmitted simultaneously to the sponsoring Government agency and the contractor, unless otherwise directed by the sponsoring agency.

(e) *Shops and office space.* During the conduct of user testing, the NASA will make available machine tools in the facility shop and desk space to the user whose projects are under tests.

(f) *Company furnished personnel.* User personnel furnished for each project will be agreed upon between

the user and facility staff prior to the test.

MAY 11, 1978.

A. M. LOVELACE,
Deputy Administrator.

[FR Doc. 78-13618 Filed 5-18-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 4]

VESSELS IN FOREIGN AND DOMESTIC TRADES

Extension of Time for Comments Concerning Proposed Amendments to the Customs Regulations Relating to Foreign Repairs to, and Equipment Purchased for, American Vessels

MAY 16, 1978

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of extension of time for comments.

SUMMARY: This notice further extends the period of time permitted for the submission of comments in response to the recent proposal by the Customs Service to modify its substantive and procedural requirements relating to entries for foreign repairs and equipment purchases by American vessels. This extension will permit the preparation and submission of more detailed comments by interested members of the public.

DATES: Comments must be received on or before June 30, 1978.

ADDRESS: COMMENTS SHOULD BE ADDRESSED TO THE Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Jerry C. Laderberg, Carriers Rulings Branch, Carriers, Drawback and Bonds Division, U.S. Customs Service, Washington, D.C. 20229, 202-566-5706.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On April 4, 1978, the Customs Service published in the FEDERAL REGISTER (43 FR 14060) notice of proposed amendments to §§ 4.7(d)(1) and 4.14 of the Customs Regulations (19 CFR 4.7(d)(1) and 4.14) to modify its substantive and procedural requirements relating to entries for foreign repairs and equipment purchases by American vessels. The proposed amendments would establish procedures for handling each aspect of a vessel repair entry and are intended to reduce the