States. This amendment is necessary because transportation lines which have signed such agreements are published in the Service's regulations.

EFFECTIVE DATES. Evergreen International Airlines, Inc.: February 4, 1980. Pacific Western Airlines, Ltd.: April 27, 1980.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street N.W., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.4 is published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561) and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment contained in this order adds transportation lines to the listing and is editorial in nature.

The Commissioner of the Immigration and Naturalization Service entered into separate agreements with the following named carriers on the dates indicated to guarantee the preinspection of their passengers and crews at places outside the United States under section 238(c) of the Immigration and Nationality Act and 8 CFR Part 238:

Evergreen International Airlines, Inc. Effective date: February 4, 1980.

Pacific Western Airlines, Ltd. Effective date: April 27, 1980.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

In § 238.4 *Preinspection outside the United States,* the listing of transportation lines preinspected at Freeport is amended by adding in alphabetical sequence, "Evergreen International Airlines, Inc.", and the listing of transportation lines preinspected at Calgary is amended by adding in alphabetical sequence, "Pacific Western Airlines, Ltd."

(Secs. 103 and 238(b), (8 U.S.C. 1103 and 1228(b)))

Dated: June 4, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-17419 Filed 6-6-80; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 343b

Special Certificate of Naturalization for Recognition by a Foreign State; Change of Name of Foreign Operations Division Passport Office

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule reflects the change in the title of the "Foreign Operations Division, Passport Office," Department of State to "Office of Citizens' Consular Services". This amendment is necessary because the heading in the address of the office has changed.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: 8 CFR 343b.11(a) provides that a special certificate of naturalization shall be issued by a district director and forwarded to the Secretary of State for transmission to the proper authority of a foreign state when a naturalized citizen desires to obtain recognition as a citizen of the United States by a foreign state. This amendment changes the title of the office in the State Department which handles such procedures.

Compliance with the provisions of 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment in this order is editorial in nature and makes no substantive changes.

Accordingly, the following amendment is made in Chapter I of Title 8 of the Code of Federal Regulations:

PART 343b—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY A FOREIGN STATE

§ 343b.11 [Amended]

8 CFR 343b.11(a) is amended by changing the title "Foreign Operations Division, Passport Office," in the second sentence after the word "Attention:" to read, "Office of Citizens' Consular Services,"

* * * * *

(Sec. 103, 343(c); (8 U.S.C. 1103, 1454(c)))

Dated: June 4, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-17417 Filed 6-6-80; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 32

Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to provide new requirements for labeling of gas and aerosol detectors, including smoke detectors, and also for labeling the point-of-sale packaging for these detectors. The new requirements are intended to: (1) inform prospective purchasers and other persons that the detectors contain radioactive material, and (2) identify the radioactive material and quantity of activity in each detector.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Donovan A. Smith, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301–443–5946.

SUPPLEMENTARY INFORMATION: On November 30, 1979, the NRC published in the **Federal Register** (44 FR 68853) a notice of proposed amendments to 10 CFR Part 32 to revise NRC requirements for labeling of gas and aerosol detectors designed to protect life or property from fires and airborne hazards. These detectors include smoke detectors. Smoke detectors containing small quantities of radioactive material, usually americium-241, are distributed extensively to homeowners and commercial and industrial users. The homeowner or other user is exempt from regulatory requirements; the manufacturer (or distributor of imported detectors) must have a specific license from the NRC to distribute the detector. The manufacturer of the detector has been required to label the detector in such a way that the manufacturer and the radioactive material can be identified. This final rule, in addition, requires the manufacturer to label the package used in the retail sale of the detector. This new requirement for labeling of the package in which the detector is displayed for sale is intended

to inform prospective buyers that the detector contains radioactive material.

The notice of proposed rulemaking provided a period of 45 days for public comment. Copies of a value/impact assessment of the proposed amendments, prepared by the NRC staff, were sent to individuals who requested further information.

Interested persons submitted 24 letters regarding the proposed amendments. The letters generally included numerous specific comments but the most frequent and key comments could be divided into three categories:

1. The use of radioactive material in smoke detectors should be banned because there are nonradioactive detectors available; however, if radioactive smoke detectors are permitted to be used, they should be disposed of in a controlled manner as radioactive waste and should not be discarded with normal household waste.

2. The proposed amendments should not be made effective because the new labels would not be understood, would cause unnecessary concern on the part of the consumer, and would discourage the sale of a lifesaving device.

3. The proposed statement to be included on the label for the package containing the detector, "This detector contains radioactive material which presents no significant hazard to health if used in accordance with the instructions," is misleading and should be revised.

Copies of the comments may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. A summary of the NRC's response to these comments is presented below.

1. The principal question in this rulemaking is neither prohibition of the use of smoke detectors nor their disposal. The question is how to label the detector package so that prospective purchasers are informed that the detectors contain radioactive material and are informed about what and how much radioactive material is contained in the detectors.

2. Whether or not some persons may or may not understand the significance of the information required in the new labels, and whether or not sales may or may not be discouraged, it appears appropriate to provide the prospective purchaser/user an opportunity to be informed about the radioactive content of the detector. If that person then decides to reject the benefit because of the small radiation risk, if any, associated with the detector, that decision can be based upon specific information.

3. The NRC agrees that revision of the proposed statement is needed to avoid unintended meanings. For example, the statement could reasonably cause one to believe that there would be a significant hazard to health if the detector is used other than in accordance with the instructions.

Upon further consideration of the objective of conveying safety information to the prospective purchaser, the NRC has revised the statement to show that the detector contains radioactive material, that the detector has been manufactured in compliance with safety criteria of the U.S. Nuclear Regulatory Commission, and that the user of the detector is exempt from U.S. NRC regulations.

This method of communicating safety information to consumers by citing an applicable Federal regulation is used for other radiation-emitting consumer products. For example, the U.S. Department of Health and Human Services requires that certification tags which give indication of product conformance to applicable Federal standards be attached to television receivers and microwave ovens. The fact that a product's manufacture is subject to Federal standards and regulation by a Federal agency may be significant to the prospective purchaser.

After careful consideration of the comments on the notice of proposed rulemaking and the other factors involved, the Commission has adopted the rule in effective form with the significant changes discussed below.

1. The proposed amendments would have required package labeling only if the detector were individually packaged. The final rule does not limit package labeling to individually packaged detectors. Although individual packaging is most frequently used in marketing of detectors intended for residential use, many detectors intended for commercial and industrial establishments are not individually packaged. An opportunity for informing this latter group of users will be provided by the requirement that all point-of-sale packages be labeled.

2. The proposed amendments would have been effective after July 14, 1980. The final rule becomes effective January 1, 1981. This change is based on industry's representations that additional time is needed to avoid dumping of present supplies of labels and to design and produce new labels. Also, no safety question in need of immediate action is involved in this change in the effective date.

3. The proposed amendments would have required the detector label to identify the manufacturer or initial transferor of the product. The final rule requires both the detector label and the package label to identify the person with an NRC license authorizing distribution of the detectors. Usually that person is the manufacturer if the detector is made in the U.S., or the importer if the detector is manufactured abroad. In either case, identification of the NRC licensee will assure identification of the person with responsibility for distributing a product that meets NRC safety criteria.

4. The proposed amendments would have required that the dectector label be located on the external surface of the detector. The final rule retains that requirement and also specifies that the label must be visible when the detector is removed from its mounting, i.e., from its installed position. This additional detail on location of the detector label was prompted by several comments about the need for label to be visible when the detector is installed. Because of the safety criteria that each detector must meet, particularly those relating to external radiation levels, and because of the other provisions for location of labels, a highly visible label on the external surface of an installed detector is not needed.

5. The proposed amendments would have required that the label on the point-of-sale package contain the statement "This detector contains radioactive material which presents no significant hazard to health if used in accordance with the instructions." The final rule does not require that statement. As discussed before, the point-of-sale package label will state that the detector contains radioactive material, that it has been produced in compliance with NRC safety criteria, and that the purchaser is exempt from any regulatory requirements.

6. The proposed amendments would not have changed a general provision whereby the Commission, on a case-by-case basis, may require the manufacturer to provide additional labeling or marking information, including disposal instructions when appropriate. The final rule changes this provision. The final rule omits specific reference to disposal instructions in order to avoid any suggestion that the labeling or marking imposes regulatory requirements on the consumer. The labeling or marking is intended only to inform the consumer.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 32 are

published as a document subject to codification to be effective January 1, 1981.

1. Section 32.26(b)(10) is revised to read as follows:

§ 32.26 Gas and aerosol detectors containing byproduct material: requirements for license to manufacture, process, produce, or initially transfer.

* * * * *

(b) * * * The information should include:

* * * * *

(10) The proposed methods of labeling or marking the detector and its point-of-sale package to satisfy the requirements of § 32.29(b);

2. Section 32.29(b) is revised to read as follows:

§ 32.29 Conditions of licenses issued under § 32.26: quality control, labeling, and reports of transfer.

Each person licensed under § 32.26 shall:

* * * * *

(b) Label or mark each detector and its point-of-sale package so that:

(1) Each detector has a durable, legible, readily visible label or marking on the external surface of the detector containing:

(i) The following statement: "CONTAINS RADIOACTIVE MATERIAL";

(ii) The name of the radionuclide and quantity of activity; and

(iii) An identification of the person licensed under § 32.26 to transfer the detector for use pursuant to § 30.20 of this chapter or equivalent regulations of an Agreement State.

(2) The labeling or marking specified in paragraph (b)(1) of this section is located where its will be readily visible when the detector is removed from its mounting.

(3) The external surface of the point-of-sale package has a legible, readily visible label or marking containing:

(i) The name of the radionuclide and quantity of activity;

(ii) An identification of the person licensed under § 32.26 to transfer the detector for use pursuant to § 30.20 of this chapter or equivalent regulations of an Agreement State; and

(iii) The following or a substantially similar statement: "THIS DETECTOR CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NRC SAFETY CRITERIA IN 10 CFR 32.27. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS."

(4) Each detector and point-of-sale package is provided with such other information as may be required by the Commission; and

* * * * *

(Secs. 81, 161b, Pub. L. 83–703, 68 Stat. 935, 948b (42 U.S.C. 2111, 2201); sec. 201, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Bethesda, Md. this 27th day of May, 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director for Operations.

[FR Doc. 80-17400 Filed 6-6-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 590

[Correction to No. 80–234]

Regulations for Federally-Related Mortgage Loans; Preemption of State Usury Laws; Correction

Dated: April 3, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Correction of Final Regulations.

SUMMARY: This document corrects the Board's recent regulations concerning Federally-related residential mortgage loans published in the **Federal Register** on April 9, 1980. (45 FR 24112)

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Attorney, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552 ((202) 377–6457).

SUPPLEMENTARY INFORMATION:

By Resolution 80–234, the Board adopted regulations to implement the permanent mortgage interest ceiling preemption contained in § 501 of the Depository Institutions Deregulation and Monetary Control Act (Pub. L. No. 96–221, 94 Stat. 161). Because of a typographical error in § 590.2 of those regulations, there are two paragraphs numbered § 590.2(b). Accordingly, the Board is changing the second § 590.2(b) to § 590.2(c). The other paragraphs of § 590.2 should be redesignated to be consistent with this change.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-17451 Filed 6-6-80; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 11, 21, 25, 29, 37, 91, 121, 127 and 135

[Docket No. 19589; Amdt. Nos. 11–18; 21–50; 25–52; 29–19; 37–47; 91–163; 121–158; 127–38; and 135–4]

Technical Standard Order (TSO) Revision Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to adopt a new public procedure to expedite the issuance of standards, known as Technical Standard Orders (TSO), for specified materials, parts, processes, and appliances used on civil aircraft. In accordance with Executive Order 12044, Improving Government Regulations, the new procedure will expedite TSO issuance and amendment, and will result in the substantial reduction of existing regulatory material. Consistent with the President's goal of reforming the regulatory process to eliminate unnecessary requirements, these amendments will enable the FAA to issue and amend TSO's in a timely manner. In addition, it is part of the FAA's continuing effort to simplify the Federal Aviation Regulations. The expeditious issuance of new TSO's and amendment of existing TSO's (presently published as Subpart B of Part 37) are necessary to stay current with the continuing growth and technological advances in aeronautics.

EFFECTIVE DATE: September 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Eli S. Newberger, Regulatory Projects Branch, AVS–24, Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone (202) 755–8716.

SUPPLEMENTARY INFORMATION:

Background

Whenever a material, part, process, or appliance is to be used on an aircraft, it must be approved under the Federal Aviation Regulations (FAR) before it can be utilized. The approval can be obtained in one of the following ways: (1) under a Parts Manufacturer Approval issued under 14 CFR 21.303; (2) in conjunction with type certification procedures for a product, including approvals granted by a supplemental type certificate; (3) under a Technical

Standard Order authorization or approval issued under 14 CFR Part 37; or (4) in any other manner approved by the Administrator.

One of the several methods of obtaining approval is by designing and testing the article (material, part, process, or appliance) in accordance with a TSO which contains minimum performance and quality control standards for specified articles. The standards for each TSO are those the Administrator finds necessary to ensure that the article concerned will operate satisfactorily. Since compliance with a TSO is only one method of obtaining an approval, the standards contained in the TSO are not mandatory but are only an optional way of obtaining approval for a particular article. For example, an applicant can obtain approval to deviate from a particular TSO if it shows that the design features provide an equivalent level of safety.

A TSO is not a standard of general or particular applicability designed to implement or prescribe law or policy. It does not fall within the definition of "rule" contained in the Administrative Procedure Act (5 U.S.C. 551). There is no requirement that a TSO be published as a notice of proposed rule making in the **Federal Register.**

Future TSO's will, through incorporation by reference, make maximum practical use of "voluntary standards" as defined by the Office of Management and Budget (OMB) Circular A–119, "Federal Participation in the Development and Use of Voluntary Standards," issued January 17, 1980 (45 FR 4326). By definition of OMB Circular A–119, "voluntary standards" are established generally by the private sector "voluntary standards bodies" and are available for use by any person or organization, private or government. The term includes what are commonly referred to as "industry standards" as well as "consensus standards" but does not include professional standards of personal conduct, private standards of individual firms, or standards mandated by law. "Voluntary standards bodies" are nongovernmental bodies which are broad based, multimember, domestic, and multinational organizations including; for example, nonprofit organizations, industry associations, and professional technical societies which develop, establish, or coordinate voluntary standards.

The FAA has determined, for the reasons stated in Notice 79–15, published in the **Federal Register** on October 1, 1979 (44 FR 56370), that, in the interest of safety, it is appropriate to adopt new public procedures to facilitate the issuance of TSO's for specified articles used on civil aircraft. The safety aspect of this rule making is particularly important. The fact that TSO's have been part of the complex regulatory structure of the FAA has caused a substantial lag time between regulations and state of the technology. This procedural change should advance by months and even years the implementation of technological improvements in the U.S. aviation system.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matters presented. Significant comments received in response to Notice 79–15 are discussed below. A number of substantive, editorial, and clarifying changes have been made to the proposed rules based on relevant comments and on further review within the FAA. Except for minor editorial and clarifying changes and the changes discussed below, these amendments and the reasons for their adoption are the same as those contained in Notice 79–15.

These amendments are consistent with the agency's responsibility to review the continuing need for regulations and the need to eliminate unnecessary regulations. By eliminating TSO's from the regulations, previously published as Subpart B of 14 CFR Part 37, and making them available through the multiple procedures described below, the FAA has improved the availability of the TSO's and made it easier for the public to locate the most up-to-date standard. In addition, by removing TSO's from the agency's regulatory process, the time available for other matters within the regulatory system will be increased. This will enable the agency to respond in a more timely manner to other issues submitted by the public. This improvement of the regulatory process, to be more responsive to the public, is consistent with Executive Order 12044, issued by President Carter on March 23, 1978.

Discussion of Comments

Twenty-two individual sets of public comments were submitted in response to Notice 79–15. Several of the commenters were associations that presented the views of manufacturers, operators, and pilots. While the great majority of the commenters were in general agreement with the objective of the proposal, a number of them suggested changes, requested clarification or guidance, and offered specific criticisms. Other commenters proposed changes that are beyond the scope of this rulemaking.

Discussion of Comments to the New Public Procedure

In general, the commenters concerned themselves with the following questions: How would TSO authorizations be obtained? Would foreign countries accept them? How would a request for approval to deviate from any performance standard be handled? How would an interested party request a revision to a TSO? How would a current TSO be affected when a revision to the TSO is made? How would the public comment on a draft TSO? How would the FAA revise the sections of the Federal Aviation Regulations which reference a TSO by TSO number? One commenter expressed concern that adopting the proposal would abolish existing TSO's.

Based on comments received, the FAA has determined that the proposed new public procedure may not have been fully understood as it was explained in Notice 79–15. The purpose of the new public procedure is to expedite the issuance of TSO's for specified articles used on civil aircraft by deleting unnecessary rulemaking steps and by deleting unnecessary material from the regulations. This effort is consistent with Executive Order 12044. There is no change in the requirements for the issuance of TSO authorizations which are relocated from Subpart A of Part 37 to new Subpart O of Part 21. There is no change in the procedure to issue TSO authorizations, to process requests for approval to deviate from any performance standard, or to request a revision to a TSO. Existing holders of TSO authorizations will continue to retain their current status when new or amended TSO's are issued, unless otherwise specified in the TSO. Manufacturers may request approval to deviate from any TSO using the same procedures as before, now described in new § 21.609.

The new public procedure does not affect the right of the public to comment on a proposed TSO. The public will continue to be invited to participate in the development of documents prepared and issued by industry organizations which the FAA will use by reference in a TSO. The FAA will use the rulemaking process to revise the sections of the Federal Aviation Regulations which reference a TSO by TSO number when there is a need to change to referenced TSO number. The FAA will make available to any interested person an index of each current TSO and each TSO the FAA anticipates will be issued within the succeeding 12 months. The FAA will also invite comments from interested persons on each proposed

TSO using a notice in the **Federal Register.**

Public Procedure

The following is the public procedure, in detail, the FAA will use to develop and issue final TSO's for specified articles used on civil aircraft:

- The FAA will continue to develop draft TSO's and will continue to use, by reference in the TSO, documents prepared and issued by organizations such as the Radio Technical Commission for Aeronautics (RTCA) and the Society of Automotive Engineers (SAE). Notices of RTCA meetings and invitations will continue to be published in the **Federal Register.** This will allow public participation at the early stages of document development.
- Any interested person may request the Administrator to revise or issue a new TSO by submitting a description of the revision sought or a description of the new article for which a TSO is requested.
- The FAA will use several methods to ensure that the public is afforded early opportunities to take part in the TSO decisionmaking process. A draft TSO will be circulated for public comment through the use of mailing lists. Any individual or organization can request to be placed on the TSO mailing list. All those on the list will receive drafts of each TSO. In addition, Advisory Circular 20–110, Index of Aviation Technical Standard Orders, will list those TSO's the FAA anticipates will be issued within the succeeding 12 months. Advisory Circular 20–110 will also list each current TSO and provide information on how to obtain copies of those desired. Finally, the FAA will publish periodically a notice in the **Federal Register** of each proposed TSO and provide notice of how to obtain a copy.
- Any individual or organization wishing to obtain copies of Advisory Circular 20–110, specific draft TSO's, or all such TSO's proposed by the FAA may be placed on a mailing list by submitting a request addressed to the Federal Aviation Administration, Office of Airworthiness, Aircraft Engineering Division, Systems Branch (AWS–130), 800 Independence Avenue, S.W., Washington, D.C. 20591, or by telephoning (202) 426–8395. Interested persons will receive copies of the Advisory Circular and copies of those draft TSO's requested. Any person wishing to submit comments on a proposed TSO will be given 90 days from its issuance date to submit comments.
- All comments received on or before the closing date for comments will be considered by the Administrator before issuing a final TSO.
- All comments submitted will be available, both before and after the closing date for comments, for examination by interested persons in Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, S.W., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.
- Copies of the final TSO will be mailed to all persons on the mailing list. As in the past, documents prepared and issued by an organization that are incorporated by reference in the TSO will continue to be available to any interested person only from that organization. Final TSO's will not be published in the **Federal Register.**
- Copies of all draft and final TSO's will also be available at FAA Headquarters in the Office of Airworthiness, Aircraft Engineering Division, Systems Branch (AWS–130), and at all regional Flight Standards Engineering and Manufacturing offices.

In summary, the new procedure has numerous opportunities for the public to participate in the development of each TSO. These are: (1) participation in the development of documents prepared and issued by industry organizations, which the FAA may use by reference in a TSO; (2) mailing lists to circulate a draft TSO to the public for comment; (3) an advisory circular to list for the public each TSO the FAA anticipates will be issued within the succeeding 12 months; (4) notice in the **Federal Register** announcing the availability of each draft TSO and invitation for comment; and (5) at least 90 days to submit comments.

Discussion of General Comments

One commenter recommended tightening the TSO requirements, citing three airplane incidents (the loss of a piece of tail, the loss of a wing flap, and the failure of a rear bulkhead). This amendment does not address the requirements of any individual TSO. Furthermore, TSO authorizations are not issued for the airframe parts that the commenter cited. FAA approval for these airframe parts is accomplished under the type design approval for the specific airplane.

One commenter cited TSO references in §§ 91.24(a), 91.52, and 121.360 and questioned if the FAA plans to revise these sections to delete the referenced TSO. The FAA is not revising the referenced TSO in these sections. Since Part 37 is being revoked by this amendment, references to TSO's using sections of Part 37 (§ 37.XXX) are revised to reference each TSO by the TSO number.

One commenter stated that there may be problems relating to the enforcement of the provisions of Advisory Circular 20–110 under proposed §§ 21.603(a), 21.607(a), 21.609, and 21.611. It is unclear to what this commenter is referring since the advisory circular merely lists each current TSO and each TSO the FAA anticipates will be issued within the succeeding 12 months.

Discussion of Comments to § 11.49(b)

Present § 11.49(b)(2) delegates authority to the Director, Flight Standards Service, to issue, amend, and repeal TSO's under Part 37. The notice proposed deletion of this delegation since Part 37 is being revoked. No unfavorable comments were received on the proposal. Accordingly, the proposal is adopted without change. However, it should be noted that the current FAA official responsible for TSO's is the Director of Airworthiness.

Discussion of Comments to § 21.3

Two commenters pointed out that § 21.3 contained most of the requirements of proposed § 21.617 and suggested deleting requirements in proposed § 21.617 that are duplicated in § 21.3. The FAA agrees and comments to proposed § 21.617 are discussed under § 21.3. Section 21.617 adopted by this amendment relates to a different subject than that of proposed § 21.617 which is discussed under § 21.617.

One commenter suggested revising proposed § 21.617 (a) and (b) to require mechanical reliability reporting of TSO articles (currently required for Parts 121, 127, and 135 operators) for Part 91 operators or owners. The commenters cited greater user awareness of such problems for justification. Because the FAA is currently reviewing the entire mechanical reliability reporting program and the issue will be addressed at a latter date, the suggestion was not adopted.

Another commenter asked if imported articles would be exempt from the reporting requirements of proposed § 21.617. Section 21.3(d)(2) does exempt foreign manufacturers from the reporting requirements of § 21.3(a) because there are existing means by which the FAA obtains the necessary information from the appropriate airworthiness authorities in the country of manufacture. As a result of the information provided by the foreign authorities, it is not necessary to apply the requirements of § 21.3(a) to foreign manufacturers.

Another commenter suggested removing the phrase "After January 3, 1971" from proposed § 21.617 (a) and (b). Based on these comments and upon further consideration, the FAA has amended § 21.3 (a), (b), (d), and (e)(3)(ii) to make them applicable to holders of a TSO authorization, relocated proposed § 21.617(f) to new § 21.3(f), deleted the phrase "After January 3, 1971," from § 21.3 (a) and (b), and deleted proposed § 21.617.

Discussion of Comments to Subpart O of Part 21

No unfavorable comments were received on the proposal to amend § 21.305(b) or on proposed §§ 21.609, 21.611, 21.613, 21.615, 21.619, and 21.621. Accordingly, these proposals are adopted without substantive change.

One commenter suggested deleting § 21.305(d) and amending § 43.7 to specify that any alteration of major repair approvals granted under Part 43 be limited to the specific aircraft (by type and serial number) upon which work is performed. The commenter stated that the provisions of § 21.305(d) in conjunction with discretionary functions of § 43.7 would "administratively lead to arbitrary and capricious application of subjective standards." No proposal was made in Notice 79–15 to amend §§ 21.305(d) and 43.7 as suggested by the commenter. Furthermore, since the FAA does not have sufficient information at the present time to justify such amendments to §§ 21.305(d) and 43.7, the suggestion is not adopted.

One commenter suggested placing the TSO procedural requirements under Subpart K instead of proposed Subpart O and questioned the need for the proposed new Subpart O. Relocation of the procedural requirements of Subpart A of Part 37 in new Subpart O, as proposed, would retain the same paragraph format subdivisions which are easy to read and use. This would make the regulations easier to use for all members of the public. Therefore, these requirements are relocated in Subpart O.

One commenter suggested that TSO authorizations be transferable. The FAA does not agree. TSO authorizations are not transferable like type certificates because authorizations are issued based on the person's quality control system and ability to duplicate the article under the TSO system.

§ 21.601

No unfavorable comments were received on proposed § 21.601. However, the FAA is adopting an amendment to § 21.601 by adding paragraph 21.601(c) which states that the Administrator does not issue a TSO authorization if the manufacturing facilities for the product are located outside of the United States, unless the Administrator finds that the location places no undue burden on the FAA in administering applicable airworthiness requirements. This additional requirement is necessary to ensure that proper surveillance can be maintained over the manufacturer's facilities. The need to impose this restriction is based upon the type of surveillance necessary over a manufacturer having a TSO authorization. It is identical to the restriction placed upon manufacturing facilities to which type certificates are issued in accordance with § 21.43 and to which production certificates are issued in accordance with § 21.137 and reflects current practice. A new § 21.617 is adopted to address current practices for approving foreign-manufactured articles designed to TSO performance standards. The procedures of new § 21.617 provide an approved equivalent to the domestic TSO authorization.

§ 21.603

One commenter objected to proposed § 21.603(b) which continues to allow the holder of an FAA letter of acceptance of a statement of conformance, issued for an article before July 1, 1962, to continue to manufacture that article without obtaining a TSO authorization. The commenter stated that this establishes different levels of safety for the same product because it allows a product to continue to be manufactured under obsolete standards when that product could not meet current standards. Holders of such letters must comply with the requirements of §§ 21.607 through 21.615, 21.619, and 21.621. In general, when an application for TSO authorization is made, the applicable standards for the article are those in effect on the date of application. The FAA did not propose to revise § 21.603(b) to withdraw letters of acceptance issued before July 1, 1962, or any TSO authorization issued after July 1, 1962, and to require all manufacturers to demonstrate compliance with the current TSO performance standards. No unfavorable comments were received on the proposal to relocate the substance of § 37.3 to new § 21.603. Accordingly, the proposal is adopted without substantive change.

§ 21.605

One commenter recommended revising proposed § 21.605(a)(2) to require one copy of the technical data required in the applicable TSO issued by the Administrator unless additional copies are requested by the Administrator. The FAA agrees this would reduce the number of copies of the technical data the applicant would need to submit. Another commenter suggested revising the last sentence of proposed § 21.605(a)(3) to add the phrase "or numbers (or combinations thereof)" between the words "letters" and "will." The commenter stated this would allow the use of suffix numerals as well as letters to designate minor changes to TSO articles. The FAA agrees. After further review, the FAA has determined that the use of part numbers in proposed §§ 21.605(a)(3) and 21.611(a) to identify minor design changes would simplify and expedite approval of such changes. This is consistent with Executive Order 12044 in that it lessens the regulatory burden on the public. Accordingly, § 21.605 is adopted with the noted changes.

§ 21.607

One commenter suggested deleting proposed § 21.607(d)(3) because the required weight information is not necessary as a part of the nameplate and it is provided elsewhere. The FAA agrees. Section 21.607(d)(3) is deleted and § 21.607(d) is renumbered. The same commenter recommended amending proposed § 21.607 to list the required data and information currently listed in the performance standards of each TSO to futher simplify the TSO system. The FAA has determined that since the data and information listed in each TSO are not common to all TSO's, the recommendation, if adopted, would impose unnecessary requirements on some TSO authorization holders. Accordingly, proposed § 21.607 is adopted without substantive change.

Issue of Letters of TSO Design Approval: Import Appliances

New § 21.617

In order to implement the requirements contained in §§ 21.601(b)(2), 21.603(d) and 21.609(b), the FAA is adopting procedural requirements which reflect current practice for the issuance of letters of TSO design approval for import appliances (see discussion of § 21.601). New § 21.617, which is totally different in subject from proposed § 21.617 (see § 21.3), prescribes the procedural requirements and, as adopted, §§ 21.601(b)(3), 21.603(a), and 21.609(b) are revised to address foreign manufacturers. These procedural requirements reflect the current practice. Adopting this procedure causes no burden on any person and it has the benefit of formalizing the current

practice. The FAA finds that notice and public procedure are unnecessary.

Note.—This rule contains provisions for the issuance of a TSO authorization and a letter of TSO design approval. To differentiate, a TSO authorization is limited to manufacturers of articles (materials, parts, processes, or appliances) located in the United States. These manufacturers must comply with the requirement to submit quality control system data in addition to certifying that their design complies with the pertinent TSO. Conversely, a letter of TSO design approval is processed under the provisions of airworthiness bilateral agreements and is limited to appliances as defined in pertinent airworthiness bilateral agreements. Such approvals do not require submitting quality control data. The quality control integrity of these appliances is attested to by the Certificate of Airworthiness for Export issued by the civil airworthiness authority of the country of manufacture under the provisions of § 21.502.

Note.—Any article approved under an FAA TSO authorization (domestic) or under a letter of TSO design approval (foreign) only attests to the conformity of the design and quality of the particular article against the TSO perfomance and quality control standards. It does not convey an installation approval. Accordingly, installation approval must be obtained in a manner acceptable to the Administrator for each particular product on which the article is to be installed. This is not a change in existing practice.

Discussion of Comments to Part 37

One commenter suggested revoking only Subpart B of Part 37. The FAA has determined that there is benefit in having all of the certification procedures for products and parts in Part 21 of the Federal Aviation Regulations. Accordingly, the proposal to revoke Part 37 is adopted without charge.

Note.—There is no change in reporting and/or recordkeeping requirements which are relocated from Subpart A of Part 37 to new Subpart O of Part 21.

Adoption of the Amendments

Accordingly, Parts 11, 21, 25, 29, 37, 91, 121, 127, and 135 of the Federal Aviation Regulations (14 CFR Parts 11, 21, 25, 29, 37, 91, 121, 127, and 135) are amended as follows, effective September 9, 1980.

PART 11—GENERAL RULEMAKING PROCEDURES

§ 11.49 [Amended]

1. By deleting and reserving § 11.49(b)(2).

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

2. By revising § 21.3 (a), (b), (d)(1) introductory text, (d)(2), (e)(3)(ii)–(v) and adding paragraphs (e)(3)(vi) and (f) to read as follows:

§ 21.3 Reporting of failures, malfunctions, and defects.

(a) Except as provided in paragraph (d) of this section, the holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or the licensee of a Type Certificate shall report any failure, malfunction, or defect in any product, part, process, or article manufactured by it that it determines has resulted in any of the occurrences listed in paragraph (c) of this section.

(b) The holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or the licensee of a Type of Certificate shall report any defect in any product, part, or article manufactured by it that has left its quality control system and that it determines could result in any of the occurrences listed in paragraph (c) of this section.

* * * * *

(d) * * *

(1) Failures, malfunctions, or defects that the holder of a Type Certificate (including a Supplemental Type Certificate), Parts Manufacturer Approval (PMA), or TSO authorization, or the licensee of a Type Certificate—

(i) * * *

(ii) * * *

(iii) * * *

(2) Failures, malfunctions, or defects in products, parts, or articles manufactured by a foreign manufacturer under a U.S. Type Certificate issued under § 21.29 or § 21.617, or exported to the United States under § 21.502.

(e) * * *

(3) * * *

(i) * * *

(ii) When the failure, malfunction, or defect is associated with an article approved under a TSO authorization, the article serial number and model designation, as appropriate.

(iii) When the failure, malfunction, or defect is associated with an engine or propeller, the engine or propeller serial number, as appropriate.

(iv) Product model.

(v) Identification of the part, component, or system involved. The identification must include the part number.

(vi) Nature of the failure, malfunction, or defect.

(f) Whenever the investigation of an accident or service difficulty report shows that an article manufactured under a TSO authorization is unsafe because of a manufacturing or design defect, the manufacturer shall, upon request of the Administrator, report to the Administrator the results of its investigation and any action taken or proposed by the manufacturer to correct that defect. If action is required to correct the defect in existing articles, the manufacturer shall submit the data necessary for the issuance of an appropriate airworthiness directive to the Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), of the FAA regional office in the region in which it is located.

3. By revising § 21.305(b) to read as follows:

§ 21.305 Approval of materials, parts, processes, and appliances.

* * * * *

(b) Under a Technical Standard Order issued by the Administrator. Advisory Circular 20–110 contains a list of Technical Standard Orders that may be used to obtain approval. Copies of the Advisory Circular may be obtained from the U.S. Department of Transportation, Publication Section (M–443.1), Washington, D.C. 20590;

* * * * *

4. By adopting a new Subpart O to Part 21 to read as follows:

Subpart O—Technical Standard Order Authorizations

Sec.

§ 21.601 Applicability.

(a) This Subpart prescribes—

(1) Procedural requirements for the issue of Technical Standard Order authorizations;

(2) Rules governing the holders of Technical Standard Order authorizations; and

(3) Procedural requirements for the issuance of a letter of Technical Standard Order design approval.

(b) For the purpose of this Subpart—

(1) A Technical Standard Order (referred to in this Subpart as "TSO") is issued by the Administrator and is a minimum performance standard for specified articles (for the purpose of this Subpart, articles means materials, parts, processes, or appliances) used on civil aircraft.

(2) A TSO authorization is an FAA design and production approval issued to the manufacturer of an article which has been found to meet a specific TSO.

(3) A letter of TSO design approval is an FAA design approval for a foreign-manufactured article which has been found to meet a specific TSO in accordance with the procedures of § 21.617.

(4) An article manufactured under a TSO authorization, an FAA letter of acceptance as described in § 21.603(b), or an appliance manufactured under a letter of TSO design approval described in § 21.617 is an approved article or appliance for the purpose of meeting the regulations of this chapter that require the article to be approved.

(5) An article manufacturer is the person who controls the design and quality of the article produced (or to be produced, in the case of an application), including the parts of them and any processes or services related to them that are procured from an outside source.

(c) The Administrator does not issue a TSO authorization if the manufacturing facilities for the product are located outside of the United States, unless the Administrator finds that the location of the manufacturer's facilities places no undue burden on the FAA in administering applicable airworthiness requirements.

§ 21.603 TSO marking and privileges.

(a) Except as provided in paragraph (b) of this section and § 21.617(c), no person may identify an article with a TSO marking unless that person holds a TSO authorization and the article meets applicable TSO performance standards.

(b) The holder of an FAA letter of acceptance of a statement of conformance issued for an article before July 1, 1962, or any TSO authorization issued after July 1, 1962, may continue to manufacture that article without obtaining a new TSO authorization but shall comply with the requirements of §§ 21.3, 21.607 through 21.615, 21.619, and 21.621.

(c) Notwithstanding paragraphs (a) and (b) of this section, after August 6, 1976, no person may identify or mark an article with any of the following TSO numbers:

(1) TSO–C18, –C18a, –C18b, –C18c.

(2) TSO–C24.

(3) TSO–C33.

(4) TSO–C61 or C61a.

§ 21.605 Application and issue.

(a) The manufacturer (or an authorized agent) shall submit an application for a TSO authorization, together with the following documents, to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the applicant is located (or in the case of the Western Region, the Chief, Aircraft Engineering Division):

(1) A statement of conformance certifying that the applicant has met the requirements of this Subpart and that the article concerned meets the applicable TSO that is effective on the date of application for that article.

(2) One copy of the technical data required in the applicable TSO.

(3) A description of its quality control system in the detail specified in § 21.143. In complying with this section, the applicant may refer to current quality control data filed with the FAA as part of a previous TSO authorization application.

(b) When a series of minor changes in accordance with § 21.611 is anticipated, the applicant may set forth in its application the basic model number of the article and the part number of the components with open brackets after it to denote that suffix change letters or numbers (or combinations of them) will be added from time to time.

(c) After receiving the application and other documents required by paragraph (a) of this section to substantiate compliance with this Part, and after a determination has been made of its ability to produce duplicate articles under this Part, the Administrator issues a TSO authorization (including all TSO deviations granted to the applicant) to the applicant to identify the article with the applicable TSO marking.

(d) If the application is deficient, the applicant must, when requested by the Administrator, submit any additional information necessary to show compliance with this Part. If the applicant fails to submit the additional information within 30 days after the Administrator's request, the application is denied and the applicant is so notified.

(e) The Administrator issues or denies the application within 30 days after its receipt or, if additional information has been requested, within 30 days after receiving that information.

§ 21.607 General rules governing holders of TSO authorizations.

Each manufacturer of an article for which a TSO authorization has been issued under this Part shall—

(a) Manufacture the article in accordance with this Part and the applicable TSO.

(b) Conduct all required tests and inspections and establish and maintain a quality control system adequate to ensure that the article meets the requirements of paragraph (a) of this section and is in condition for safe operation;

(c) Prepare and maintain, for each model of each article for which a TSO authorization has been issued, a current file of complete technical data and records in accordance with § 21.613; and

(d) Permanently and legibly mark each article to which this section applies with the following information:

(1) The name and address of the manufacturer.

(2) The name, type, part number, or model designation of the article.

(3) The serial number or the date of manufacture of the article or both.

(4) The applicable TSO number.

§ 21.609 Approval for deviation.

(a) Each manufacturer who requests approval to deviate from any performance standard of a TSO shall show that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.

(b) The request for approval to deviate, together with all pertinent data, must be submitted to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the manufacturer is located (or in the case of the Western Region, the Chief, Aircraft Engineering Division). If the article is manufactured in a foreign country, the request for approval to deviate, together with all pertinent data, must be submitted through the civil aviation authority in that country to the FAA.

§ 21.611 Design changes.

(a) *Minor changes by the manufacturer holding a TSO authorization.* The manufacturer of an article under an authorization issued under this Part may make minor design changes (any change other than a major change) without further approval by the Administrator. In this case, the changed article keeps the original model number (part numbers may be used to identify minor changes) and the manufacturer shall forward to the appropriate Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), any revised data that are necessary for compliance with § 21.605(b).

(b) *Major changes by manufacturer holding a TSO authorization.* Any design change by the manufacturer that is extensive enough to require a substantially complete investigation to determine compliance with a TSO is a major change. Before making such a change, the manufacturer shall assign a new type or model designation to the

article and apply for an authorization under § 21.605.

(c) *Changes by person other than manufacturer.* No design change by any person (other than the manufacturer who submitted the statement of conformance for the article) is eligible for approval under this Part unless the person seeking the approval is a manufacturer and applies under § 21.605(a) for a separate TSO authorization. Persons other than a manufacturer may obtain approval for design changes under Part 43 or under the applicable airworthiness regulations.

§ 21.613 Recordkeeping requirements.

(a) *Keeping the records.* Each manufacturer holding a TSO authorization under this Part shall, for each article manufactured under that authorization, keep the following records at its factory:

(1) A complete and current technical data file for each type or model article, including design drawings and specifications.

(2) Complete and current inspection records showing that all inspections and tests required to ensure compliance with this Part have been properly completed and documented.

(b) *Retention of records.* The manufacturer shall retain the records described in paragraph (a)(1) of this section until it no longer manufactures the article. At that time, copies of these records shall be sent to the Administrator. The manufacturer shall retain the records described in paragraph (a)(2) of this section for a period of at least 2 years.

§ 21.615 FAA inspection.

Upon the request of the Administrator, each manufacturer of an article under a TSO authorization shall allow the Administrator to—

(a) Inspect any article manufactured under that authorization;

(b) Inspect the manufacturer's quality control system;

(c) Witness any tests;

(d) Inspect the manufacturing facilities; and

(e) Inspect the technical data files on that article.

§ 21.617 Issue of letters of TSO design approval: import appliances.

(a) A letter of TSO design approval may be issued for an appliance that is manufactured in a foreign country with which the United States has an agreement for the acceptance of these appliances for export and import and that is to be imported into the United States if—

(1) The country in which the appliance was manufactured certifies that the appliance has been examined, tested, and found to meet the applicable TSO designated in § 21.305(b) or the applicable performance standards of the country in which the appliance was manufactured and any other performance standards the Administrator may prescribe to provide a level of safety equivalent to that provided by the TSO designated in § 21.305(b); and

(2) The manufacturer has submitted one copy of the technical data required in the applicable performance standard through its civil aviation authority.

(b) The letter of TSO design approval will be issued by the Administrator and must list any deviation granted to the manufacturer under § 21.609.

(c) After the Administrator has issued a letter of TSO design approval and the country of manufacture issues a Certificate of Airworthiness for Export as specified in § 21.502(a), the manufacturer shall be authorized to identify the appliance with the TSO marking requirements described in § 21.607(d) and in the applicable TSO. Each appliance must be accompanied by a Certificate of Airworthiness for Export as specified in § 21.502(a) issued by the country of manufacture.

§ 21.619 Noncompliance.

The Administrator may, upon notice, withdraw the TSO authorization or letter of TSO design approval of any manufacturer who identifies with a TSO marking an article not meeting the performance standards of the applicable TSO.

§ 21.621 Transferability and duration.

A TSO authorization or letter of TSO design approval issued under this Part is not transferable and is effective until surrendered, withdrawn, or otherwise terminated by the Administrator.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

§ 25.1415 [Amended]

5. By amending § 25.1415(d) by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91".

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

§ 29.1415 [Amended]

6. By amending § 29.1415(d) by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91".

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

7. By revoking Part 37 and marking it to read as follows:

PART 37 [Reserved]

PART 91—GENERAL OPERATING AND FLIGHT RULES

§ 91.52 [Amended]

8. By amending § 91.52 by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91" in paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) and by replacing the phrase "§ 37.200(g)(2) of this chapter" with the phrase "TSO–C91, paragraph (g)(2)" in paragraph (d)(2).

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

§ 121.339 [Amended]

9. By amending the first sentence of § 121.339(a)(4) by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91," by deleting the phrase "of Part 37 of this chapter," and by replacing the phrase "§ 37.200(g)(2) of this chapter" with the phrase "TSO–C91, paragraph (g)(2)" in the second sentence.

§ 121.353 [Amended]

10. By amending the first sentence of § 121.353(b) by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91," by deleting the phrase "of Part 37 of this chapter," and by replacing the phrase "§ 37.200(g)(2) of this chapter" with the phrase "TSO–C91, paragraph (g)(2)" in the second sentence.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

§ 127.103 [Amended]

11. By amending § 127.103(b) by replacing the phrase "§ 37.20 of this chapter" with the term "TSO–C10b".

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

§ 135.167 [Amended]

12. By amending the first sentence of § 135.167(b) by replacing the phrase "§ 37.200 of this chapter" with the phrase "the applicable requirements of TSO–C91" and by replacing the phrase "§ 37.200(g)(2) of this chapter" with the phrase "TSO–C91, paragraph (g)(2)" in the second sentence.

(Sections 303(d), 313(a), 601, 603, and 605, Federal Aviation Act of 1958, as amended (49 U.S.C. 1344, 1354(a), 1421, 1423, 1424, and 1425; Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document involves regulations which are not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on June 2, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-17198 Filed 6-6-80; 8:45 am]

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14 CFR Part 39

[Docket No. 78-WE-12-D; Amdt. 39-3787]

AiResearch Model TPE 331-1, -2, -3, -5, -6, and TSE 331-3 Series Engines; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to AiResearch Model TPE 331-1, -2, -3, -5, -6, and TSE 331-3 series engines by providing for the installation of alternate part in the accomplishment of the modification required by the original AD. The amendment is needed to provide increased flexibility in AD accomplishments with the same, or higher level of safety than that specified in the original AD.

DATE: Effective June 12, 1980.

Compliance schedule—As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: This amendment further amends Amendment 39-3367, AD 78-25-08, as amended by Amendments 39-3389 and 39-3607, which currently requires the incorporation of a modified fuel control drive system on AiResearch Model TPE 331-1, -2, -3, -5, -6, and TSE 331-3 series engines. After issuing Amendment 39-3607 the manufacturer has produced an alternate configuration torque sensor which the FAA has determined is suitable for use in accomplishing AD 78-25-08. Therefore, the FAA is further amending Amendment 39-3367, as amended, by authorizing incorporation of an alternate configuration torque sensor on AiResearch Model TPE 331-1, -2, -3, -5, -6, and TSE 331-3 series engines.

Since this amendment provides an alternative means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

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 further amending Amendment 39-3367, AD 78-25-08, as amended by Amendments 39-3389 and 39-3607 by revising paragraph (a) to read as follows:

* * * * *

(a) Within the next 3100 hours' time in service after July 1, 1979, or at the next overhaul after July 1, 1979, or prior to December 31, 1985, whichever comes first, unless already accomplished, incorporate the modified engine fuel control drive gear train in the main reduction gear box of the TSE331-3U and TPE331-1, -2, -3U, -3UW, -5, and -6 series engines in accordance with AiResearch Service Bulletin TPE331-72-0061, revision 1, dated December 18, 1978 or revision 2 dated October 18, 1979. Torque sensor assembly P/N 3101726-2 may be used in place of P/N 3101726-1. Installation of torque sensor assembly P/N 3101726-2 is per paragraph 2.E of AiResearch Service Bulletin TPE331-72-0232, Revision 1, dated December 5, 1979.

* * * * *

Amendment 39-3367 became effective January 19, 1979

Amendment 39-3389 became effective January 8, 1979

Amendment 39-3607 became effective November 19, 1979

This Amendment becomes effective June 12, 1980.

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

Issued in Los Angeles, Calif., on May 22 1980

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-17375 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 20403, Amdt. 39-3796]

Government Aircraft Factories Nomad Models N22B and N24A Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection and modification of the rudder intercostals and rudder trim tab control rod on Government Aircraft Factories (GAF) of Australia models N22B and N24A airplanes. This AD is necessary to detect and prevent partial failure of a rudder intercostal and chafing of the rudder trim tab control rod during aircraft operation which could lead to failure of the rudder trim tab on U.S. registered aircraft.

DATES: Effective June 23, 1980.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The manufacturer's applicable alert service bulletin may be obtained from Government Aircraft Factories, 226 Lorimer Street, Port Melbourne 3207 Vic., Australia. The document may also be examined at the Federal Aviation Administration, Pacific-Asia Region, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, and Rules Docket, Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, Federal Aviation Administration, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850. Telephone: (808) 546-8650/546-8658, or C. Christie, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426-8374.

SUPPLEMENTARY INFORMATION: Government Aircraft Factories (GAF) Nomad Models N22B and N24A airplanes are manufactured in Australia. A number of mandatory corrective actions applicable to these aircraft have been imposed by the Australian Department of Transport (DOT). Although none of these service difficulties have been encountered by U.S. registered Nomad aircraft to date, it is likely the same unsafe conditions could exist on U.S. registered aircraft. Accordingly, an AD is being issued related to the inspection and modification of rubber intercostals and the rudder trim control rod. Loose rivets