

Amendment 39-3634 (44 FR 70712, dated November 28, 1979) as follows:

Add a new paragraph F to read as follows:

F. The requirements of this AD are terminated if an improved pin is installed in accordance with Boeing Service Bulletin 747-54-2066 Revision 1 dated October 10, 1980, or later FAA approved revisions.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective January 5, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on December 16, 1980.

Charles R. Foster,
Director, Northwest Region.

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

[FR Doc. 80-40701 Filed 12-31-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-NW-61-AD; Amdt. 39-4002]

Airworthiness Directives; Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule adds a new Airworthiness Directive (AD) which requires inspection and replacement, as necessary, of outboard aileron damper support fittings and bracket fasteners on Lockheed Model L-1011-385 airplanes. An AD is necessary because there have been reports of structural cracks in the wing rear spar webs and aileron damper brackets. Accomplishment of this AD will result in detection of cracks before they develop to the point of allowing

wing flutter with subsequent structural damage and possible wing failure.

DATE: Effective date January 5, 1981. Compliance schedule—As prescribed in the body of the AD, unless already accomplished.

ADDRESS: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attn.: Commercial Support Contracts, Depart. 63-11, U-33, B-1.

Also, a copy of the service information may be reviewed at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261, Room 6W14.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey Chimerrine, Aerospace Engineer, Airframe Branch, ANW-120L, Los Angeles Area Certification Office, Federal Aviation Administration, Northwest Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone: (213) 536-6359.

SUPPLEMENTARY INFORMATION: There have been reports of fatigue cracks in the wing rear spar web at OWS (Outer Wing Station) 476 and in the aileron damper brackets on Lockheed L1011-385 series aircraft. These cracks, if allowed to develop, could result in structural damage in this area of the aircraft. Such damage, in turn, could result in flutter within the normal operating speed range of the aircraft and, consequently, structural failure of the wing.

Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection for cracks and replacement, as necessary, of defective parts.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

Lockheed-California: Applies to Model L-1011-385-1, L-1011-385-1-14, L-1011-385-1-15, and L-1011-385-3 series airplanes certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent crack development, which could result in flutter, accomplish the following:

I. Aircraft with Extended Span Wing.
A. Inspect all aircraft within 300 hours' time in service, after the effective date of this Airworthiness Directive, by accomplishing the following:

1. At OWS440 and 476, visually inspect the Hi-Tigues attaching outboard aileron support fittings to wing box lower skin, and rear spar web and caps, for cracks in accordance with Lockheed Service Bulletin 093-57-143, dated November 7, 1980. Pay particular attention to the fitting at the necked-down area near the top.

a. If cracks are found, repair or replace parts before further flight.

b. If Hi-Tigues are 3/8-inch diameter, replace with 1/2-inch diameter Hi-Tigues before further flight.

2. If Hi-Tigues are 1/2-inch or larger diameter, repeat inspection of (1.) above at intervals not to exceed 800 hours' time in service until the outboard aileron support fitting PN 1529413 is replaced with fitting PN 1633849 in accordance with Service Bulletin 093-57-144 dated October 30, 1980.

II. Aircraft with Standard Span Wing.

A. Inspect all aircraft within 800 hours' time in service, after the effective date of this Airworthiness Directive, by accomplishing the following:

1. At OWS440 and 476, visually inspect Hi-Tigues attaching outboard aileron support fitting to wing box lower skin, and rear spar web and caps, for cracks in accordance with Lockheed Service Bulletin 093-57-143, dated November 7, 1980. Pay particular attention to the fitting at the necked-down area near the top.

a. If cracks are found, repair or replace parts before further flight.

b. If Hi-Tigues are 3/8-inch diameter, replace with 1/2-inch diameter Hi-Tigues in accordance with Lockheed Service Bulletin 093-47-143 dated November 7, 1980, or modify in accordance with Service Bulletin 093-47-144, within 3,000 hours' time in service, after the effective date of this Airworthiness Directive.

2. Upon accumulation of 10,000 or more hours time in service, repeat the inspection of (1.) above at intervals not to exceed 4,000 hours time in service until the outboard aileron support fitting PN 1529413 with fitting PN 1633849 in accordance with Service Bulletin 093-47-144, dated October 30, 1980.

III. Alternative inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents may obtain copies upon request to Lockheed-California Company, Post Office Box 551, Burbank, California 91520, Attention: Commercial Support Contracts. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108 or 15000

Aviation Boulevard, Hawthorne, California 90281, Room 6W14.

This amendment becomes effective January 5, 1981.

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

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington on December 16, 1980.

Charles R. Foster,
Director, Northwest Region.

Note.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1987.

(FR Doc. 80-40702 Filed 12-31-80; 8:45 am)

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 21230; Amdt. 39-4011]

Airworthiness Directives; Israel Aircraft Industries, Limited, Models 1121, 1121A, 1121B, 1123, and 1124 Series Airplanes

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires the installation of a placard in clear view of the pilots lowering the maximum operating speed (V_{MO}/M_{MO}) until additional rivets in the 25 percent wing spar are installed on certain Israel Aircraft Industries, Limited, Models 1121, 1121A, 1121B, 1123, and 1124 series airplanes. The AD is needed to preclude failure of the 25 percent wing spar and consequent loss of the airplane.

DATES: Effective January 16, 1981.

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

ADDRESSES: The applicable service bulletins may be obtained from: Israel Aircraft Industries, Limited, Ben Gurion Airport, Israel. Copies of the service bulletins are contained in the rules docket for this amendment in Room 916, 600 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30,

or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: 202-426-8192.

SUPPLEMENTARY INFORMATION: The FAA has been informed by the Israeli CAA that, because of a discrepancy in the rivet pattern and the total bonding strength assumptions in the stress analysis for the wing root assembly, installation of additional rivets is necessary in the 25 percent wing spar on certain Israel Aircraft Industries, Limited, Models 1121, 1121A, 1121B, 1123, and 1124 series airplanes. The additional rivets are necessary to preclude the possibility of structural failure of the wing spar. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires installation of a placard lowering the maximum approved operating speed until modification of the 25 percent wing spar is accomplished.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

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

Israel Aircraft Industries, Limited (formerly Aero Commander, North American Rockwell Corporation): Applies to certain Model 1121, 1121A, 1121B, 1123, and 1124 airplanes, certificated in all categories.

Compliance required as indicated.

To preclude the possibility of structural failure of the 25 percent wing spar, accomplish the following:

(a) Within the next 10 hours time in service after the effective date of this AD, unless already accomplished, or the modification required by paragraph (b) of this AD has been accomplished, install a placard in clear view of the pilots in accordance with the instructions in PART A: PLACARD INSTALLATION, of the appropriate Israel Aircraft Industries, Limited, Service Bulletin, as indicated in the following list:

(1) No. CJ-25A, Revision No. 1, dated March 31, 1980, or an FAA-approved equivalent, for Models 1121, 1121A, and 1121B airplanes, serial numbers 94 through 106 and 108 through 150, the placard to read as follows:

"Maximum Operating Speed Limits (V_{MO}/M_{MO})

—Below 26,000 FT—315 Kts CAS

—Above 26,000 FT—0.765 M";

(2) No. WW-23A, Revision No. 1, dated March 31, 1980, or an FAA-approved equivalent, for Model 1123 airplanes, serial numbers 107, 151, 153, 155 through 180, and 182 through 186, the placard to read as follows:

"Maximum Operating Speed Limits (V_{MO}/M_{MO})

—With or without fuel in tip tanks:

Below 22,500 FT—315 Kts CAS

Above 22,500 FT—0.710 M

—With autopilot engaged and without fuel in tip tanks:

Below 26,000 FT—315 Kts CAS

Above 26,000 FT—0.765 M"; or

(3) No. WW-24-17A, Revision No. 1, dated March 31, 1980, or an FAA-approved equivalent, for Model 1124 airplanes, serial numbers 152, 154, 181, 187 through 260, 262 through 264, and 266 through 269, the placard to read as follows:

"Maximum Operating Speed Limits (V_{MO}/M_{MO})

—With autopilot disengaged:

Below 22,500 FT—315 Kts CAS

Above 22,500 FT—0.710 M

—With autopilot engaged:

Below 26,000 FT—315 Kts CAS

Above 26,000 FT—0.765 M"

(b) Within the next 600 hours time in service or the next 90 days after the effective date of this AD, whichever occurs first, unless already accomplished, install additional rivets in the 25 percent wing spar between wing stations X_{w-33} and $X_{w-47.5}$, left and right, in accordance with the instructions in PART B: RIVET INSTALLATION, of the appropriate Israel Aircraft Industries, Limited, Service Bulletin, as indicated in the following list:

(1) No. CJ-25A, Revision No. 1, dated March 31, 1980, or an FAA-approved equivalent, for Models 1121, 1121A, and 1121B airplanes, serial numbers 94 through 106 and 108 through 150;

(2) No. WW-23A, Revision No. 1, dated March 31, 1980, or an FAA-approved equivalent, for Model 1123 airplanes, serial numbers 107, 151, 153, 155 through 180, and 182 through 186; or

(3) No. WW-24A, Revision No. 1, dated March 31, 1980, or an FAA-approved equivalent, for Model 1124 airplanes, serial numbers 152, 154, 181, 187 through 260, 262 through 264, and 266 through 269.

(c) The placard required by paragraph (a) may be removed when the modification required by paragraph (b) is completed.

(d) If an equivalent means of compliance is used in complying with paragraphs (a) or (b) of this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective January 16, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a),

1421, and 1423): Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Washington, D.C., on December 23, 1980.

Jerold M. Chavkin,

Acting Director of Airworthiness.

[FR Doc. 80-40163 Filed 12-31-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 73

[Airspace Docket No. 80-ASW-53]

Temporary Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes temporary restricted areas in the vicinity of McGregor, N. Mex., to contain a major joint military exercise. The area will be included in the Continental Control Area. Federal Airway V-280 will be excluded within the restricted areas. This action prohibits unauthorized flight operations by nonparticipating aircraft within the proposed restricted areas during their designated times of use.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

History

On November 20, 1980, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary restricted areas identified as R-5103D, R-5103E, R-5103F, R-5103G, R-5103H and R-5103I, McGregor, N. Mex., to contain a major joint military readiness exercise entitled BORDER STAR 81 (45 FR 76694). This exercise will provide training for several military commands operating under the sponsorship of the U.S. Air Force

Readiness Command. The air activities associated with the exercise will be such that flight by nonparticipating aircraft cannot be safely conducted simultaneously within the temporary restricted areas when they are in use by the military. These activities will consist of air operations such as close air support, interdiction, air defense/counter air, electronic warfare, reconnaissance, tactical airlift missions, and aerial refueling. It is estimated that approximately 150 aircraft will be utilized to conduct approximately 100 fixed wing and 200 helicopter sorties daily. The boundary abutments to the existing restricted areas are necessary to accommodate interarea transition into and out of R-5103 A, B, and C, which, along with existing Restricted Areas R-5107, R-5109, and R-5111, will be used extensively during the exercise. Communications equipment will be installed and maintained between the appropriate military and FAA facilities to coordinate movement of nonparticipating aircraft through the exercise area (except R-5107B) when military activity permits. Additionally, a reverse charge telephone number and VHF radio communication frequency will be established and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. This amendment is the same as it was proposed in the notice. The Department of the Air Force has certified that the requirements of the National Environmental Policy Act (NEPA) have been met. § 71.123 and § 71.151 of Part 71 and § 73.51 of Part 73 were republished in the Federal Register on January 2, 1981 (46 FR 307, 344, 709).

The Rule

These amendments to §§ 71.123 and 71.151 of Part 71 and § 73.51 of Part 73 (14 CFR Parts 71 and 73) designate temporary restricted areas identified as R-5103D, R-5103E, R-5103F, R-5103G, R-5103H, and R-5103I, McGregor, N. Mex. Unauthorized flight within the temporary restricted areas by nonparticipating aircraft is prohibited during the areas designated times of use. The military will provide aerial access to private or public use land that underlies the restricted airspace. The areas are designated for joint use and applicable portions are included in the Continental Control Area. Federal Airway V-280 is excluded within R-5103D and R-5103E during their designated times of use.

Discussion of Comments

Of the comments received on the notice, none were objections.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (46 FR 307, 344, 709) are amended, effective 0901 GMT, February 19, 1981, as follows:

1. In § 71.123, under V-280 the following is added:

"The airspace within Temporary Restricted Areas R-5103D and R-5103E is excluded from 0100 April 1 until 2400 local time April 7, 1981."

2. In § 71.151, between "R-5103 McGregor, N. Mex.," and "R-5104A Melrose, N. Mex.," the following is added:

"R-5103E McGregor, N. Mex.
"R-5103F McGregor, N. Mex.
"R-5103H McGregor, N. Mex.
"R-5103I McGregor, N. Mex."

3. In § 73.51, between "R-5103C McGregor, N. Mex.," and "R-5104A Melrose, N. Mex.," the following is added:

"R-5103D McGregor, N. Mex.

Boundaries. Beginning at Lat. 32°00'15" N., Long. 105°56'40" W.; to Lat. 32°26'20" N., Long. 105°30'00" W.; to Lat. 32°16'00" N., Long. 105°30'00" W.; to Lat. 32°06'00" N., Long. 105°39'00" W.; to point of beginning.

Designated altitudes. 100 feet AGL to 8,000 feet MSL.

Time of designation. Continuous 0100 April 1 until 2400 local time April 7, 1981.

Controlling agency. FAA Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC), Langley AFB, Va.

R-5103E McGregor, N. Mex.

Boundaries. Beginning at Lat. 32°00'15" N., Long. 105°56'40" W.; to Lat. 32°26'20" N., Long. 105°30'00" W.; to Lat. 32°16'00" N., Long. 105°30'00" W.; to Lat. 32°06'00" N., Long. 105°39'00" W.; to point of beginning.

Designated altitudes. 15,000 feet MSL to unlimited.

Time of designation. Continuous 0100 April 1 until 2400 local time April 7, 1981.

Controlling agency. FAA Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC), Langley AFB, Va.

R-5103F McGregor, N. Mex.

Boundaries. Beginning at Lat. 32°04'00" N., Long. 106°17'00" W.; to Lat. 32°06'00" N., Long. 106°15'30" W.; to Lat. 32°05'20" N., Long. 106°09'20" W.; to Lat. 32°00'30" N., Long. 106°10'25" W.; to point of beginning.

Designated altitudes. 100 feet AGL to unlimited.

Time of designation. Continuous 0100 April 1 until 2400 local time April 7, 1981.

Controlling agency. FAA Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC), Langley AFB, Va.

R-5103G McGregor, N. Mex.

Boundaries. Beginning at Lat. 32°05'00" N., Long. 106°18'20" W.; to Lat. 32°25'00" N., Long. 106°06'00" W.; to Lat. 32°38'00" N., Long. 106°06'00" W.; to Lat. 32°38'00" N., Long. 105°59'00" W.; to Lat. 32°27'40" N., Long. 106°00'00" W.; to Lat. 32°28'00" N., Long. 106°02'00" W.; then along the Southern Railroad to Lat. 32°04'00" N., Long. 106°17'00" W.; to point of beginning.

Designated altitudes. 100 feet AGL to 6,000 feet MSL.

Time of designation. Continuous 0100 April 1 until 2400 local time April 7, 1981.

Controlling agency. FAA Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC), Langley AFB, Va.

R-5103H McGregor, N. Mex.

Boundaries. Beginning at Lat. 32°05'00" N., Long. 106°18'20" W.; to Lat. 32°25'00" N., Long. 106°06'00" W.; to Lat. 32°38'00" N., Long. 106°06'00" W.; to Lat. 32°38'00" N., Long. 105°59'00" W.; to Lat. 32°27'40" N., Long. 106°00'00" W.; to Lat. 32°28'00" N., Long. 106°02'00" W.; then along the Southern Railroad to Lat. 32°04'00" N., Long. 106°17'00" W.; to point of beginning.

Designated altitudes. 12,000 feet MSL to unlimited.

Time of designation. Continuous 0100 April 1 until 2400 local time April 7, 1981.

Controlling agency. FAA Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC), Langley AFB, Va.

R-5103I McGregor, N. Mex.

Boundaries. Beginning at Lat. 32°45'00" N., Long. 105°52'20" W.; to Lat. 32°33'20" N., Long. 105°30'00" W.; to Lat. 32°45'00" N., Long. 105°27'00" W.; to point of beginning.

Designated altitudes. 24,000 feet MSL to unlimited.

Time of designation. Continuous 0100 April 1 until 2400 local time April 7, 1981.

Controlling agency. FAA Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC), Langley AFB, Va.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on December 23, 1980.

Shelomo Wugalter,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-40615 Filed 12-31-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 18904; Amendment No. 91-172]

Transport Category Airplanes—Pitot Heat Indication Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment suspends the April 12, 1981, compliance date specified in § 91.50(a) of the Federal Aviation Regulations for operation of transport category airplanes when they are used in general aviation operations and not operations conducted under Part 121, 123, 125, or 135 of the Federal Aviation Regulations. Section 91.50 provides that after April 12, 1981, with certain exceptions, no person may operate a transport category airplane equipped with a flight instrument pitot heating system unless the airplane is also equipped with an operable pitot heat indication system. The FAA is issuing a notice of proposed rulemaking which proposes to exclude general aviation operators from these requirements. Suspension of the April 12, 1981, compliance date enables the FAA to re-examine the regulation as applies to these operators before imposition of the requirement.

EFFECTIVE DATE: January 2, 1981

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

Discussion

The FAA issued Amendment No. 91-148 on March 6, 1978, (43 FR 10339; March 13, 1978, Docket No. 15594) providing that after April 12, 1981, with certain exceptions, no person may operate a transport category airplane equipped with a flight instrument pitot heating system unless the airplane is also equipped with an operable pitot heat indication system that complies with § 25.1326. This rule applies to all transport category airplanes regardless of the type of operation being conducted.

On January 26, 1979, the National Business Aircraft Association, Inc. (NBAA), submitted a petition requesting that the April 12, 1981, compliance date be held in abeyance and also petitioned to amend the regulations to require that only transport category airplanes operated under Part 121, 123, 125, or 135 meet the requirement to have an operable pitot heat indication system. A summary of the NBAA's petition was published in the Federal Register on October 18, 1979 (44 FR 60107), and there were no comments. As the result of this petition, the FAA is issuing a notice of proposed rule making which proposes to exclude general aviation operations from these requirements. This will allow the FAA to re-examine the regulations as they apply to these operators before imposition of the requirement.

Accordingly, the FAA has determined that the public interest justifies a suspension of the compliance date of § 91.50, as it applies to operators of transport category airplanes used in general aviation operations and not in operations conducted under Part 121, 123, 125, or 135. Since this action is taken to avoid imposing an unnecessary burden on the public, I find that notice and public procedure are impracticable and that good cause exists for making this amendment effective in less than 30 days.

The Amendment

Accordingly, Part 91 of the Federal Aviation Regulations (14 CFR Part 91) is amended, effective January 2, 1981 as follows:

By amending § 91.50(a) by adding the phrase "and (c)" after the letter "(b)", and by amending § 91.50 by adding a new paragraph (c) to read as follows:

§ 91.50 Transport category airplanes—Pitot heat indication systems.

(c) Notwithstanding the provisions of paragraph (a) of this section, the compliance date of April 12, 1981, is suspended for operators of transport category airplanes when conducting operations that are not conducted under Part 121, 123, 125, or 135 of the Federal Aviation Regulations.

(Secs. 303(d), 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and the expected impact of this amendment is so minimal that it does not warrant a regulatory evaluation. Additionally, this rule

is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1465). As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C. on December 22, 1980.

Langhorne Bond,
Administrator.

[FR Doc. 80-40613 Filed 12-31-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371 and 374

Expansion of General License GLR and Permissive Reexport Provisions

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule amends General License GLR to permit a U.S. importer to return unwanted commodities for any reason to the country from which they were imported provided their capabilities are not enhanced while in the United States. By giving broader coverage to the GLR procedure, this change will eliminate the burden of a U.S. importer obtaining a validated export license when returning unwanted foreign-origin commodities. Prior to this amendment, unwanted foreign-origin commodities could only be returned to the foreign country of origin under GLR if they failed to conform to specifications or were shipped without the consent of the consignee.

This rule also amends the permissive reexport provisions of § 374.2 to permit:

(1) Reexport of U.S.-origin commodities to a third country in Country Group T or V (except Afghanistan) for servicing and return of the serviced commodities to the original consignee, and/or

(2) Reexport of replacements for defective or unacceptable U.S.-origin parts or equipment, without obtaining prior written authorization from the Office of Export Administration.

Expansion of the permissive reexport provisions of the Export Administration Regulations will reduce the time required to service many U.S.-origin commodities.

EFFECTIVE DATE OF ACTION: January 2, 1981.

FOR FURTHER INFORMATION CONTACT:

Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-5247 or 377-4811.

SUPPLEMENTARY INFORMATION: Section 13(a) of the Export Administration Act of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose controls on exports. It has been determined that these regulations are not "significant" within the meaning of Department of Commerce Administrative Order 218-7 (44 FR 2082, January 9, 1979) and International Trade Administration Administrative Instruction 1-6 (44 FR 2093, January 9, 1979) which implement Executive Order 12044 (43 FR 12661, March 23, 1978), "Improving Government Regulations." Therefore, these regulations are issued in final form. Although there is no formal comment period, public comments on these regulations are welcome on a continuing basis.

Accordingly, the Export Administration Regulations (15 CFR Part 368 *et seq.*) are amended as follows:

PART 371—GENERAL LICENSES

1. Section 371.17(c) is revised to read as follows:

§ 371.17 General license GLR; return or replacement of certain commodities.

(c) *Unwanted Foreign-Origin Commodities.* A foreign-origin commodity may be returned under this general license to the country from which it was imported if its characteristics and capabilities have not been enhanced while in the United States. This procedure applies to all Country Groups except S and Z.

PART 374—REEXPORTS

2. Section 374.2 is amended by revising paragraphs (a) and (f) to read as follows:

§ 374.2 Permissive reexports.¹

(a) Reexports of any commodity that at the time of reexport—

¹ See § 374.9 for effect on foreign laws.

(1) May be exported directly from the United States to the new country of destination under General License G-DEST, GTE, G-NNR, or G-FTZ;

(2) Are valued at an amount that does not exceed the GLV value on the Commodity Control List for the new country of destination;²

(3) Could be exported under General License *Ship Stores* or *Plane Stores* if the same vessel or aircraft were departing from a U.S. port, except that the equipment and spare parts described in §§ 371.9(a)(3) and 371.10(a)(3) may not be included in such reexport; or

(4) May be exported directly from the United States to the country of destination under subsection (f) of General License GLR (§ 371.17(f)). A firm reexporting replacements for defective or unacceptable U.S.-origin parts or equipment to consignees in Country Group P, Q, W, and Y shall:

(i) Ensure that the replaced commodity is either destroyed or returned to the United States or to the foreign firm in Country Group T or V that shipped the replacement part or equipment into Country Groups P, Q, W, or Y. Destruction or return shall be effected prior to, or promptly after, reexporting the replacement.

(ii) Submit the following written certification on letterhead stationery within 60 days of the reexport to the Director, Operations Division, Office of Export Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230:

I (We) certify that the commodity(ies) described below were reexported under the provisions of § 374.2 of the Export Administration Regulations to replace a defective or otherwise unusable U.S.-origin part or equipment previously (exported from the United States under validated export license number _____) (reexported from (name of country) under OEA Authorization No. _____). I (We) further certify that the defective or otherwise unusable part or equipment [was returned to the United States on (date of shipment to U.S.)]; [was returned to (name of foreign firm) on (date of receipt by foreign firm)]; [was destroyed abroad on (date) by (name of foreign firm)].

² The permissive reexport provisions set forth above relating to the reexport of commodities within the established GLV dollar-value limits do not apply to exports, reexports, or distributions made under the Distribution License, or Aircraft and Vessel Repair Station Procedures. (See §§ 373.3, and 373.8).