mechanism in accordance with Service Bulletin 747–25A2581 on certain Boeing Model 747 series airplanes which are equipped with these slides and have Service Bulletin 747–57–2073 or the production equivalent incorporated.

Interested persons have been afforded an opportunity to participate in the making of this amendment. In response, the Air Transport Association of America (ATA) commented on behalf of its member airlines. It was stated that all ATA member B747 operators would have Boeing Alert Service Bulletin No. 747–25A2581 accomplished within the proposed 1200 hour time limit. The manufacturer suggested that the AD's applicability statement be revised to exempt B747SP and freighter models since these airplanes are not equipped with the offwing slides. The FAA concurs. The rule as adopted applies only to those airplanes equipped with fairing mounted (offwing) escape slides. Also, the manufacturer notified the FAA of Service Bulletin 747–57–2086 which changed the trailing edge flap rigging on early B747–100 airplanes. This service bulletin has the same effect on the offwing slide operation as Service Bulletin No. 747–57–2073. The AD as adopted also applies to airplanes modified in accordance with Service Bulletin No. 747–57–2086. No other comments were received pertaining to this rule.

After careful review of available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule with the changes previously noted.

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:

Boeing: Applies to Model 747 series airplanes, line numbers 147, 149, 154 through 535 and those airplanes modified in accordance with Boeing Service Bulletin Nos. 747–57–2073 or 747–57–2086 or equivalent certificated in all categories which are equipped with fairing mounted (offwing) escape slides. Compliance is required within the next 1200 hours time-in-service after the effective date of this AD unless already accomplished.

To ensure the proper deployment and inflation of the fairing mounted (offwing) slides accomplish the following:

A. Rig the fairing mounted (offwing) escape slide inflation firing mechanism in accordance with Boeing Alert Service Bulletin No. 747–25A2581, dated September 25, 1981, or later FAA approved revisions.

B. Aircraft may be ferried to a maintenance base for repair in accordance with FAR 21.197 and 21.199.

C. Alternate means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

Note.—Operators unable to determine the configuration of their airplanes (i.e. modification in accordance with Boeing Service Bulletin No. 747–57–2073 or 747–57–2086 or its equivalent) should determine the angle of rotation of the offwing slide fairing door from the closed position to the open position with the flaps in the zero or five unit position. If this angle is not approximately 180 degrees compliance with paragraph A of this AD is required.

The manufacturer's specification 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 Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective March 21, 1982.

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

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

I certify that this rule will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on February 4, 1982.

Robert O. Brown,
Acting Director, Northwest Mountain Region.

[FR Doc. 82–4222 Filed 2–17–82; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 81–NW–52–AD; Amdt 39–4316]

Airworthiness Directives: McDonnell Douglas Model DC–8 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document adopts a new Airworthiness Directive (AD) that requires inspection and replacement, if necessary, of rudder pedal arms on McDonnell Douglas DC–8 series airplanes. This action is needed to detect fatigue cracking of the rudder pedal arms; the failure of which could compromise the flight crew's ability to maintain directional control of the airplane at a critical point during takeoff, landing, or approach.

DATE: Effective date March 21, 1982. Compliance schedule as prescribed in the body of the AD unless already accomplished.

ADDRESS: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training C1–750, (54–60). This information also may be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Michael O'Neil, Aerospace Engineer, Airframe Branch, ANM–120L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2826.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive to require inspection of the rudder pedal arms at both the Captain's and First Officer's positions of all DC–8 series airplanes was published in the Federal Register on September 17, 1981, (46 FR 46139). This proposal was prompted by the events discussed below:

Three operators reported five failures of the Captain's left rudder pedal arm and one failure of the Captain's right rudder pedal arm on aircraft having logged between 18,397 and 47,850 flight hours. The failures were due to fatigue cracks in the magnesium casting which originated in the top attachment holes and in the inside diameter of the upper boss, between the attachment holes and the exterior surface, in the region where the upper boss intersects with the tubular section of the arm.

If undetected, a failure of the rudder pedal arm could cause a momentary loss of rudder control, nose wheel steering or braking input at the Captain's or First Officer's position. Duplication of controls does not alleviate the potential hazard that could occur at a critical flight condition.

Inspection of the rudder pedal arms is necessary to prevent failure of the rudder pedal arms.

Interested persons have been afforded the opportunity to participate in the making of this amendment. Six comments were received in response to the Notice of Proposed Rulemaking. None of the parties who made comments objected to the intent of the proposed rule.

Four commenters presented a rationale for expressing the compliance times of the proposed rule in terms of aircraft landings or cycles rather than flight hours. The FAA concurs and the Final Rule reflects the change to landings in the compliance times. However, the necessity for calendar times as well remains because of the susceptability of the material to stress corrosion.

One commenter states that the necessity to reinstall the rudder pedal arm, as specified in Paragraph B, is not correct as there is no requirement to remove the parts. The FAA concurs, and the Final Rule reflects this change.

After careful review of available data, including the preceding comments, the FAA has determined that air safety and the public interest require that the rule be adopted with the changes noted above.

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:

McDonnell Douglas: Applies to all McDonnell Douglas Model DC–8 Series airplanes, certificated in all categories with rudder pedal arm P/N 3616012 installed with more than 13,500 hours time in service.

Note.—Time in service on the rudder pedal arm may be used if the operator has records to substantiate it.

Compliance required as prescribed herein. To detect fatigue cracking and possible structural failure of the rudder pedal arms, P/N 3616012, accomplish the following, unless already accomplished:

A. Within the next, 2,000 landings or six months after the effective date of this AD, whichever occurs first, perform ultrasonic and dye penetrant inspections on rudder pedal arm assemblies, P/N 3616012, as outlined in Service Sketch 3224 and Accomplishment Instructions of McDonnell Douglas DC–8 Service Bulletin 27–265 dated June 11, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

B. If no cracks are found, replace the rudder pedal arms with new P/N 3953505 aluminum rudder pedal arm assemblies or retain the 3616012 parts and repeat ultrasonic and dye penetrant inspections at intervals not to exceed 4,000 landings or one year, whichever occurs first. Replacement with aluminum rudder pedal arm assemblies constitutes terminating action for this AD.

C. If cracks are found, prior to further flight replace the rudder pedal arms with:

1. New P/N 3953505 aluminum rudder pedal arm assemblies and thereby terminate the repetitive inspection requirements of this AD, or

2. Replace with new P/N 3616012 magnesium rudder pedal arm assemblies and repeat inspections specified in paragraph B above.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

E. For the purposes of complying with this AD, subject to the acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's number of hours time in service by the operator's fleet average time from takeoff to landing.

F. Upon the request of an operator, an FAA maintenance inspector, subject to prior approval by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Mountain Region, may adjust the inspection times specified in this AD to permit compliance at an established inspection period of that operator if the request contains substantiating data to justify the change for that operator.

G. Alternative means of compliance with this AD which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain 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 proposal who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

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

Note.—The FAA has determined that this document involves a regulation which is not major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). I certify that this rule will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves few, if any, such entities. A final evaluation has been prepared for this regulation and placed in the docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on February 4, 1982.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82–4223 Filed 2–17–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 81–NW–53–AD, Amdt. 39–4317]

Airworthiness Directives: McDonnell Douglas Model DC–9 and C–9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document adopts a new Airworthiness Directive (AD) that requires inspection and replacement, if necessary, of rudder pedal arms on McDonnell Douglas DC–9 and C–9 series airplanes. This action is needed to detect fatigue cracking of the rudder pedal arms; the failure of which could compromise the flight crew's ability to maintain directional control of the airplane at a critical point during takeoff, landing, or approach.

DATE: Effective date March 21, 1982. Compliance schedule as prescribed in the body of the AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training C1–750, (54–60). This information also may be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Harry Irwin, Aerospace Engineer, Airframe Branch, ANM-120L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2826.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive to require inspection of the rudder pedal arms at both the Captain's and First Officer's positions of all DC-9 and C-9 series airplanes was published in the **Federal Register** on September 17, 1981, (46 FR 46140). This proposal was prompted by the events discussed below:

Five operators reported eleven failures of the Captain's left rudder pedal arm and one failure of the Captain's right rudder pedal arm on aircraft having logged between 14,995 and 34,056 flight hours. The failures were due to fatigue cracks in the magnesium casting which originated in the top attachment holes and in the inside diameter of the upper boss, between the attachment holes and the exterior surface, in the region where the upper boss intersects with the tubular section of the arm.

If undetected, a failure of the rudder pedal arm could cause a momentary loss of rudder control, nose wheel steering, or braking input at the Captain's or First Officer's position. Duplication of controls does not alleviate the potential hazard that could occur at a critical flight condition.

Inspection of the rudder pedal arms is necessary to prevent failure of the rudder pedal arms.

Interested persons have been afforded the opportunity to participate in the making of this amendment. Four comments were received in response to the Notice of Proposed Rulemaking. None of the parties who made comments objected to the intent of the proposed rule.

Four commenters presented a rationale for expressing the compliance times of the proposed rule in terms of aircraft landings or cycles rather than inflight hours. The FAA concurs, and the Final Rule reflects the change to landings in the compliance times. However, the necessity for calender times as well remains because of the susceptability of the material to stress corrosion.

After careful review of available data, including the preceding comments, the FAA has determined that air safety and the public interest require that the rule be adopted with the changes noted herein.

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:

McDonnell Douglas: Applies to all McDonnell Douglas Model DC-9 and C-9 series airplanes, certificated in all categories with rudder pedal arm P/N 3616012 installed with more than 13,500 hours time in service.

Note.—Time in service on the rudder pedal arm may be used, if the operator has records to substantiate it.

Compliance required as prescribed herein. To detect fatigue cracking and possible structural failure of the rudder pedal arms, P/N 3616012, accomplish the following, unless already accomplished:

A. Within the next 2,000 landings or six months after the effective date of this AD, whichever occurs first, perform ultrasonic and dye penetrant inspections on rudder pedal arm assemblies, P/N 3616012, as outlined in Service Sketch 3251 and Accomplishment Instructions of McDonnell Douglas DC-9 Service Bulletin 27-209 dated May 29, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

B. If no cracks are found, replace the rudder pedal arms with new P/N 3953505 aluminum rudder pedal arm assemblies or retain the 3616012 parts and repeat ultrasonic and dye penetrant inspections at intervals not to exceed 4,000 landings or one year, whichever occurs first. Replacement with aluminum rudder pedal arm assemblies constitutes terminating action for this AD.

C. If cracks are found, prior to further flight replace the rudder pedal arms with:

1. New P/N 3953505 aluminum rudder pedal arm assemblies and thereby terminate the repetitive inspection requirements of this AD, or

2. Replace with new P/N 3616012 magnesium rudder pedal arm assemblies, and repeat inspections specified in paragraph B above.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

E. For the purposes of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's number of hours time in service by the operator's fleet average time from takeoff to landing.

F. Upon the request of an operator, an FAA Maintenance Inspector, subject to prior approval by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region, may adjust the inspection times specified in this AD to permit compliance at an established inspection period of that operator if the request contains substantiating data to justify the change for that operator.

G. Alternative means of compliance with this AD which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain 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 proposal who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents also may be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

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

Note.—The FAA has determined that this document involves a regulation which is not major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). I certify that this rule will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves few, if any, such entities. A final evaluation has been prepared for this regulation and placed in the docket. A copy of it may be obtained by contacting the person identified above under the caption "**FOR FURTHER INFORMATION CONTACT.**"

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on February 4, 1982.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-4224 Filed 2-17-82; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 203

[Reg. ER-1283]

Removal of Certificate Restrictions

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: By its terms, the CAB's certificate restriction removal program for domestic scheduled service ceased to be in effect on January 1, 1982. On

that date all one-stop operating restrictions on airline certificates were removed. After December 31, 1980, any route authority granted by the Board to an airline has included nonstop authority to all existing points on its route system. This final rule removes these regulations from the Code of Federal Regulations.

DATES: Effective: February 18, 1982. Adopted: January 29, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: Because the regulations in 14 CFR Part 203, which set up an airline certificate restriction removal program, expired by their own terms on January 1, 1982, and because public confusion could result if the part remains in the Code of Federal Regulations, the Civil Aeronautics Board is removing Part 203. For those reasons, the Board further finds that notice and public procedure are unnecessary and that there is good cause to make this rule effective upon publication in the Federal Register.

PART 203—REMOVAL OF CERTIFICATE RESTRICTIONS [Removed]

Accordingly, the Civil Aeronautics Board amends 14 CFR Chapter II as follows:

1. The authority for 14 CFR Part 203 is:

Authority: Secs. 102, 204, 401, Pub. L. 85-726, as amended, 72 Stat 740, 743, 754, 49 U.S.C. 1302, 1324, 1371.

2. Part 203, *Removal of Certificate Restrictions*, is removed.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-4365 Filed 2-17-82; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 377

[Reg. SPR-184; Amdt. No. 1 to Part 377; Docket No. 39989]

Continuance of Expired Authorizations Pending Board Action on Renewal Requests

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rule that implements an Administrative Procedure Act provision for automatic extension of certain expiring licenses. The amendment provides consistent treatment of foreign air carrier permits and exemptions issued to foreign citizens, and clarifies the scope of the rule.

DATES: Adopted: January 29, 1982. Effective: March 20, 1982.

FOR FURTHER INFORMATION CONTACT: Jeffrey B. Gaynes, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428; 202-673-5035.

SUPPLEMENTARY INFORMATION: In order to prevent lapses of authority that could result from the time lags inherent in the administrative process, the Administrative Procedure Act provides for automatic extension of licenses in certain cases, as follows:

> When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency. (5 U.S.C. 558(c))

The Board has issued rules in 14 CFR Part 377 to implement this statutory provision with respect to many, but not all, of the types of temporary authorizations that the Board grants. The rules establish requirements for "timely and sufficient" renewal applications (§ 377.10), including deadlines such as 30, 90, and 180 days before expiration. They also interpret "license with reference to an activity of a continuing nature" (§ 377.3).

In SPDR-83 (46 FR 46338; September 18, 1981), the Board proposed amendments of Part 377 to (1) harmonize the timeliness requirements for applications to renew foreign air carrier permits and non-U.S. citizen exemptions, and (2) clarify the interpretation in § 377.3. No comments were filed in response to the notice of proposed rulemaking, and the Board is now amending Part 377 as proposed. The changes are discussed below.

Timeliness

Under Board rules up to now, a holder of an expiring foreign air carrier permit under section 402 of the Federal Aviation Act could obtain automatic extension by filing a renewal application at any time up to the expiration date. In contrast with permit holders, however, the holder of an expiring exemption under section 416 of the Act was subject to Part 377 and needed to file at least 60 days earlier. The technical reason for the difference was that Part 377 by its terms did not apply to section 402 permits, and the Board had held that in the absence of an agency rule on the subject, any application filed before the expiration was timely. This result reflected the special circumstances often surrounding applications by foreign persons, which can make earlier filing difficult. For example, foreign carriers must in some cases obtain approval from their home countries before filing applications with the Board.

The Board sees no good reason to treat foreign exemption holders and foreign permit holders differently for the purposes of the Administrative Procedure Act's automatic extension provision. Under the amended rule, therefore, a renewal application of either type will be considered timely if filed at any time before the expiration date. The amendment does this by bringing section 402 permits expressly within the scope of Part 377 and specifying the liberal filing deadline in a revised § 377.10(c). An additional result of this approach is to subject applications for renewal of section 402 permits to the other provisions of Part 377. Most notable among these is the requirement in § 377.10(a) that the application indicate the applicant's intention to rely on 5 U.S.C. 558(c).

Interpretation of 5 U.S.C. 558(c)

Section 377.3 states that an authorization granted for a period of 180 days or less is *not* considered a "license with reference to an activity of a continuing nature" within the meaning of 5 U.S.C. 558(c). It similarly excludes authorizations, other than section 401 certificates, that by their terms are subject to termination at an uncertain date upon the happening of an event. The Board is making no change in these provisions.

Section 377.3 also refers to authorizations, other than section 401 certificates, that by their terms terminate alternatively upon the happening of an event or the arrival of a specified date. A typical example would be an exemption to serve a route that is granted for 1 year or until Board action on a permit application, whichever occurs first. This amendment clarifies the treatment of such authorizations, without substantively changing it, and sets it forth in a new § 377.4. The new section states that if the event occurs before the specified date, automatic extension rights will be unavailable. Section 377.4(b) provides that if the event does not occur before the date and the date is more than 180 days after the effective date of the authorization, automatic rights ordinarily will be available. The purpose of this provision is to make it clear that in such cases automatic extension rights will not be denied by virtue of the alternative termination dates. The rule states only that automatic extension rights "ordinarily" will be available, because Part 377 does not guarantee that any given authorization is covered by 5 U.S.C. 558(c). The Board will decide whether it is so covered upon written request under the former § 377.4, with the request required to be filed at least 60 days before the deadline for renewal applications. This amendment renumbers that section as § 377.5 and revises it to encompass requests from not only the holder of the authorization or a competitively affected U.S. air carrier, but also from a competitively affected foreign air carrier.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-354, the Board certifies that this rule will not have a significant economic impact on a substantial number of small entities. The economic impact will not be significant because the rule simply relieves a minor procedural requirement.

The Final Rule

PART 377—CONTINUANCE OF EXPIRED AUTHORIZATIONS PENDING BOARD ACTION ON RENEWAL REQUESTS

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 377, *Continuance of Expired Authorizations by Operation of Law Pending Final Determination of Applications for Renewal Thereof*, as follows:

1. The authority for Part 377 is:

Authority: Secs. 204, 1001, Pub. L. 85-726, as amended, 72 Stat. 743, 788; (49 U.S.C. 1324, 1481; 5 U.S.C. 558, 559).

2. Part 377 is retitled and the Table of Contents is amended by retitling § 377.3, redesignating § 377.4 as § 377.5, and adding a new § 377.4, to read:

Sec.

* * * * *

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3. In § 377.1, the definition of "authorization" is revised by adding "402,", so that it reads:

§ 377.1 Definitions.

As used in this part:

"Authorization" means any agency certificate, approval, statutory exemption or other form of permission granted pursuant to sections 101(3), 401, 402, 408, 409, 412 and 416 of the Federal Aviation Act of 1958, as amended. Where any operating authorization creates more than one separate route, each of these shall be deemed a separate authorization for the purposes of this part.

* * * * *

4. Section 377.2 is revised to read:

§ 377.2 Applicability of part.

(a) This part implements the last sentence of 5 U.S.C. 558(c) with regard to temporary authorizations granted by the Board.

Note.—The last sentence of 5 U.S.C. 558(c) provides: "When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency."

(b) Nothing in this part prevents the Board from terminating at any time, in accordance with law, any authorization or any extension of an authorization.

(c) Nothing in this part constitutes a determination that any given authorization is a "license with reference to an activity of a continuing nature" within the meaning of 5 U.S.C. 558(c).

5. Section 377.3, *Authorizations not licenses with reference to an activity of a continuing nature*, is retitled and revised, to read:

§ 377.3 Authorizations not covered by 5 U.S.C. 558(c).

The Board hereby determines that the following authorizations are not licenses "with reference to an activity of a continuing nature" within the meaning of 5 U.S.C. 558(c):

(a) Authorizations granted for a specified period of 180 days or less; and

(b) Authorizations, other than those granted under section 401 of the Act, that by their terms are subject to termination at an uncertain date upon the happening of an event, including fulfillment of a condition subsequent or occurrence of a contingency.

6. Section 377.4, *Procedure to obtain Board interpretation*, is revised and redesignated as § 377.5, and a new § 377.4 is added, to read:

§ 377.4 Certain authorizations with alternative termination dates.

Unless granted under section 401 of the Act, an authorization that by its terms is subject to termination alternatively, either at an uncertain date upon the happening of an event or upon the arrival of a specified date—

(a) Will not be considered a "license with reference to an activity of a continuing nature" within the meaning of 5 U.S.C. 558(c), if the event occurs before the specified date; and

(b) Ordinarily (subject to Board interpretation under § 377.5) will be considered such a license, if the event does not occur before the specified date and that date is more than 180 days after the effective date of the authorization.

§ 377.5 Procedure to obtain Board interpretation.

(a) The Board will determine upon written request by the holder of a temporary authorization or by any competitively affected air carrier or foreign air carrier, or upon its own initiative, whether the temporary authorization is a "license with reference to an activity of a continuing nature" within the meaning of 5 U.S.C. 558(c).

(b) A written request for such a Board determination shall be filed at least 60 days before the deadline set forth in § 377.10 for a timely renewal application.

(c) The filing of such a written request shall not affect the timeliness requirements for renewal applications that are set forth in § 377.10 or any other applicable Board rule or order.

7. In § 377.10, paragraph (c) is revised to read:

§ 377.10 Requirements for, and effect of, renewal applications.

* * * * *

(c) *Timeliness.* The application must be filed and served in compliance with applicable law and the Board's regulations at least 60 days before the expiration date of the outstanding temporary authorization, except that—

(1) For certificates issued under section 401 of the Act with a specified expiration date, the deadline is 180 days before the expiration date;

(2) For certificates issued under section 401 of the Act that terminate by their terms upon the happening of an event that could not be foreseen, the deadline is 30 days after the time that the carrier has notice that the event will occur or has occurred;

(3) For foreign air carrier permits issued under section 402 of the Act and exemptions issued under section 416 to non-U.S. citizens, the deadline is the expiration date itself;

(4) For renewal by substantially equivalent certificate authority of fixed term route authorizations granted by exemption and for interim extension of the exemption, pursuant to §§ 302.909 and 399.18 of this chapter, the deadline

is 90 days before the expiration date; and

(5) Nothing in this part supersedes a requirement for earlier filing contained in any law, Board rule or order, or temporary authorization.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-4384 Filed 2-17-82; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

Miscellaneous Amendments to the Foreign Trade Statistics Regulations

AGENCY: Bureau of the Census, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Foreign Trade Statistics Regulations (FTSRs) primarily for the purpose of conforming them with existing practices by eliminating obsolete requirements and by updating references that have been changed.

EFFECTIVE DATE: February 18, 1982.

FOR FURTHER INFORMATION CONTACT: Emanuel A. Lipscomb, Chief, Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233, (301) 763-5342.

SUPPLEMENTARY INFORMATION: On October 2, 1980, a Notice of Proposed Rulemaking was published in the **Federal Register** (45 FR 65250) to amend the FTSRs. The proposed changes would:

1. Eliminate from the FTSRs the "Specify by name" and "State species" requirements in connection with commodity descriptions on the Shipper's Export Declaration (SED) since these requirements are no longer contained in Schedule B, *Statistical Classification of Domestic and Foreign Commodities Exported from the United States.*

2. Eliminate the special requirements for reporting partial shipments.

3. Eliminate from the regulations special requirements which expired May 30, 1979, covering the exportation of used vehicles.

4. Update references to the Bureau of East-West Trade which has now been reorganized as the International Trade Administration.

5. Reflect in the FTSRs the wording of Public Law 96-275 concerning the exemption of SEDs from disclosure.

6. Eliminate from the FTSRs the listing of individual country groups to which certain exemptions do not apply and refer the user instead to the Export Administration Regulations of the Office of Export Administration.

7. Provide in the FTSRs an exemption from SED filing requirements for shipments by the National Oceanic and Atmospheric Administration (NOAA).

Interested persons were advised that December 1, 1980, was the correct closing period to submit comments regarding the proposal.

Discussion of Major Comments:

No comments were received.

Regulatory Impact Analysis and Information Collection

Under the criteria established in Executive Order 12291, this amendment is not a "major" rule and does not require a Regulatory Impact Analysis. Further, this rule change will not increase the reporting burden on the public nor impose an information collection requirement.

Amendments to the Regulations

The FTSRs (15 CFR Part 30) are therefore amended as set forth below.

PART 30—FOREIGN TRADE STATISTICS

§§ 30.7 [Amended]

1. Section 30.7 is hereby amended by removing § 30.7(l)(2) in its entirety and by redesignating §§ 30.7(l)(3) and 30.7(l)(4) to 30.7(l)(2) and 30.7(l)(3), respectively.

§ 30.7 [Amended]

2. In the first paragraph of § 30.7, the parenthetical statement "(See § 30.42 for additional information required for a limited time on Shipper's Export Declarations covering the exportation of used vehicles to foreign countries.)" is hereby removed.

§ 30.32 [Reserved]

3. Section 30.32 is hereby removed in its entirety and that section number reserved for future use.

§ 30.42 [Reserved]

4. Section 30.42 is hereby removed in its entirety and that section number reserved for future use.

§§ 30.2 and 30.39 [Amended]

5. Sections 30.2 (a) and (b), 30.39(b)(1), and 30.91(a) are hereby amended by substituting "International Trade Administration" for the words "Bureau of East-West Trade" wherever that name appears.

6. Section 30.91(e) is hereby amended by removing from the first sentence the words "the withholding" and substituting the words "applying the exemption from disclosure." This section is further amended by removing from the third sentence the words "withhold the information" and substituting the words "apply the exemption." Also, references to "he" and "his agent" are being changed to "he/she" and to "the agent of the exporter," respectively. As revised, § 30.91(e) reads as follows:

§ 30.91 Confidential Information, Shipper's Export Declarations.

* * * * *

(e) *Determination by the Secretary of Commerce.* When the Secretary of Commerce determines that applying the exemption from disclosure of information provided by an individual Shipper's Export Declaration is contrary to the national interest, he/she may make such information available, taking such safeguards and precautions to limit dissemination as he/she deems appropriate under the circumstances. In recommendations regarding such actions, the Bureau of the Census will, in general, consider that it is not contrary to the national interest to withhold information on Shipper's Export Declarations from private individuals or businesses (except the exporter or the agent of the exporter) or from state or local government agencies or officials, regardless of the purposes for which the information may be requested. In recommendations regarding any other requests for access to official copies, a judgment in the light of circumstances will be made as to whether it is contrary to the national interest to apply the exemption, keeping in view that the maintenance of confidentiality has in itself an important element of national interest.

7. The opening phrase of § 30.39(b) is hereby amended by removing the words "in country groups S and Z, as defined in" and substituting the words "prohibited by" so that the amended § 30.39(b) reads as follows:

§ 30.39 Authorization for reporting statistical information other than by means of individual Shipper's Export Declarations filed for each shipment.

* * * * *

(b) In addition to the procedures authorized in paragraph (a) of this section, the Bureau of the Census, with the concurrence of the Office of Export Administration, may, on an individual case basis, authorize exemption from the requirement of § 30.6 that an export declaration be filed for each shipment, the exemption to be conditioned upon the filing, after the close of each month, of a single export declaration or other statistical report, in an approved format including punch cards, computer tapes, etc., covering shipments made during the month to all destinations except countries prohibited by the Export Administration Regulations of the Office of Export Administration (Parts 368–399 of this title),[7] as follows:

* * * * *

8. The opening phrase of § 30.55(h) is hereby amended by removing the words "included in country groups Q, S, W, Y, and Z, as defined in" and substituting the words "prohibited by" so that as revised § 30.55(h) reads as follows:

§ 30.55 Miscellaneous exemptions.

* * * * *

(h) Shipments (except shipments requiring a validated export license) between the United States and Puerto Rico, to the Virgin Islands of the United States, and to all countries except countries prohibited by the Export Administration Regulations of the Office of Export Administration (15 CFR Parts 368–399),[8] where the value of the commodities classified under a single Schedule B number and shipped on the same exporting carrier from one exporter to one importer is $500 or under: *Provided, however,* That this exemption shall be conditioned upon the filing of such reports as the Bureau of the Census shall periodically require to compile statistics on $500-and-under shipments.

9. Section 30.55 is hereby amended by adding a new paragraph designated § 30.55(m) to reflect an exemption from filing SEDs for shipments in connection with NOAA so that as amended paragraph reads as follows:

§ 30.55 Miscellaneous exemptions.

* * * * *

(m) Shipments for use in connection with NOAA operations under the Office of Export Administration General License G–NOAA.

(Title 13, United States Code, section 302; and title 5, United States Code, section 301; Reorganization Plan No. 5 of 1950, Department of Commerce Organization Order No. 35–2A, August 4, 1975, 40 FR 42765)

Bruce Chapman,

Director, Bureau of the Census.

December 28, 1981.

I concur:

J. W. Walker, Jr.,

Assistant Secretary, Department of the Treasury.

[FR Doc. 82–4333 Filed 2–17–82; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

Removal of the Conditions of Approval of the Maryland Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 920 by removing the conditions of approval of the Maryland permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Maryland has submitted provisions to the Office of Surface Mining (OSM) which satisfy all the conditions of the Secretary's approval of December 1, 1980 (45 FR 79430–79451).

EFFECTIVE DATE: February 18, 1982.

FOR FURTHER INFORMATION CONTACT: Christine M. Struminski, Assistant Regional Director, Division of State and Federal Programs, Office of Surface Mining—Region I, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 342–8125.

SUPPLEMENTARY INFORMATION:

Background on the Maryland program submission

On March 3, 1980, OSM received a proposed regulatory program from the State of Maryland. On October 3, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of certain minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the December 1, 1980, **Federal Register** (45 FR 79430–79451). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the Maryland program can be found in the December 1, 1980, **Federal Register.**

Background on the Secretary's Conditional Approval

The Secretary determined that the Maryland program met all criteria for approval with the exception of 34 minor deficiencies which were discussed in the Notice of Conditional Approval. In accepting the Secretary's conditional approval, Maryland agreed to correct deficiencies "a" through "k" by October 1, 1981, and deficiencies "l" through "hh" by April 1, 1981.

Submission of Revisions

On April 9, 1981, OSM received a letter from the Maryland Department of Natural Resources (DNR) transmitting a copy of the Notice of Final Action, published in the Maryland Register on April 3, 1981, promulgating regulations to satisfy conditions "l" through "hh" of the conditional Maryland program approval. These regulations were made available to the public for review and comment when a notice of receipt was published in the **Federal Register** on September 4, 1981 (46 FR 44475–44476). On June 3, 1981, OSM received a letter from the Maryland DNR transmitting statutory changes to the Maryland Strip Mining Law, signed by Governor Hughes on April 28, 1981, to be effective on July 1, 1981, to satisfy conditions "a" through "k" of the conditional Maryland program approval. Additionally, statutory conditions "a", "c", "e", and "f" required analogous regulation revisions to the Code of Maryland Regulations (COMAR). These regulations were forwarded to OSM from the Maryland DNR on October 23, 1981, when a copy of the Notice of Final Action published in the Maryland Register on October 16, 1981, was submitted to satisfy the above cited conditions. These statutory and associated regulation revisions were made available to the public for review and comment when a notice of receipt was published in the **Federal Register** on November 25, 1981 (46 FR 57697–57698).

Secretary's Findings

The Secretary finds the amendments submitted by Maryland on April 9, 1981, June 3, 1981, and October 23, 1981, correct the deficiencies in the Maryland program as follows:

1. Condition "a" required amendment to remove the authority to allow surface coal mining in the corridor of the Youghiogheny River, a National Wild and Scenic Study River, and to allow waivers to the distance prohibitions set forth in Section 522(e) of SMCRA as found in the Maryland Strip Mining Law, Section NR 7–505(b)(2) and COMAR 08.13.09.10B.

In response to this condition the State has prohibited surface coal mining within the corridor of the Youghiogheny River and has eliminated the waivers to the distance prohibitions in the Maryland Strip Mining Law, Section NR 7–505 and COMAR 08.13.09.105. The program is now consistent with Section 522 of SMCRA.