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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 25 and 95

Access to and Protection of National Security Information and Restricted Data

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to incorporate an exception to personnel security background investigation requirements for access to certain Communications Security (COMSEC) information; to provide a procedure to ensure that licensees obtain prior NRC approval to effect any substantive changes to a licensee's security plan; and to adopt several revisions that are strictly ministerial in nature. These actions will revise NRC's regulations to reflect current agency policy and practice and make clarifications to the regulations that past agency experience indicates are necessary.

EFFECTIVE DATE: October 11, 1985.

FOR FURTHER INFORMATION CONTACT: Richard A. Dopp, Chief, Policy and Operational Support Branch, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-4124.

SUPPLEMENTARY INFORMATION: On March 13, 1985, the NRC published a proposed rule in the **Federal Register** (50 FR 10064) seeking to revise its regulations. No public comments were received as a result of this publication. Therefore, the proposed revisions will be adopted as originally drafted. Specifically, the National Communications Security Committee (NCSC) had granted NRC an exception to personnel security background investigation requirements relating to access by certain NRC licensee individuals to Communications Security (COMSEC) information. This exemption was granted in accordance with Section IV of NCSC-2, "National Policy on Release of Communications Security Information to U.S. Contractors and Other U.S. Nongovernmental Sources," and exempts NRC licensee facility security officers from the requirement of having a full field background investigation, current within five years, as a precondition for access to COMSEC information. All NRC licensee individuals involved currently have and will continue to possess, as a minimum, an NRC-granted "L" access authorization based on a National Agency Check (NAC) background investigation. The COMSEC information to which NRC licensee personnel may need access is limited to Confidential-National Security Information material. This exemption will be limited to fewer than ten NRC licensee and other facilities, and is based, in part, on the level of classification involved (Confidential), the short duration of classification normally experienced, and the lack of impact on other government communications. Therefore, in order to implement this exception, revisions to current NRC regulations are needed. Specifically, the current § 25.15 and § 95.35 state that an NRC "Q" access authorization is required as a precondition for access to COMSEC information. These sections are amended to reflect that an NRC "L" access authorization is sufficient for access to COMSEC information of the level and type specifically referenced by the recent NCSC exemption decision.

In a separate matter, the NRC staff has recognized a need to revise its regulations to better provide for changing security conditions at approved NRC security facilities covered by 10 CFR Part 95. The guidelines will clarify NRC policy by acknowledging that certain actions planned by the licensee at a security facility (e.g., remodeling or renovation of offices, moving NRC interests from one room or building to another) require the advance approval of NRC. A new section is now added to provide a procedure whereby the licensee would seek the advance approval of the NRC regarding any proposed substantive changes to the name, location, security procedures and controls, or floor plan of the security facility. NRC was concerned that the current § 95.15(d), which allows the licensee to make a change in an NRC approved security plan for the safeguarding of National Security Information and/or Restricted Data without prior NRC approval (provided the change did not decrease the effectiveness of the plan), may not be sufficiently precise. Whether or not a change contemplated by a licensee to a security plan decreases the plan's effectiveness is highly subjective. NRC staff has concluded that § 95.15(d) will be deleted in favor of a new § 95.18, which sets forth, in greater detail, the circumstances under which licensees may make changes to the name, location, security procedures and controls, and/or floor plan of the approved security facility. A new § 95.18(a) outlines a procedure whereby the licensee would require advance NRC approval prior to adopting revisions to the minimum security conditions upon which facility approval had originally been granted. A new § 95.18(b) now prescribes in greater detail those changes to security operations not requiring advance NRC approval but requiring prompt notification by the licensee. This revision will better ensure that changing conditions at a security facility, potentially impacting the protection of National Security Information and/or Restricted Data, are brought to the attention of NRC far enough in advance to provide a better opportunity to review and resolve them and avoid a situation which could affect continuing security facility approval.

Finally, NRC staff has identified several revisions that are generally ministerial in nature which should clarify and improve the effectiveness and accuracy of 10 CFR Parts 25 and 95.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed regulation is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed regulation.

Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget approval number 3150-0047.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this final regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 1717 H Street, NW, Washington, DC. Single copies of the analysis may be obtained from Lawrence P. Himmelsbach, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-4129.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605 (b)), the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities. Each NRC licensee or other organization which may require access to National Security Information and/or Restricted Data in connection with a license or application for a license will be impacted by this rule. Only 12 entities (which include five fuel cycle facilities, three transportation companies, one reactor and three other organizations) are currently required to meet the requirements of 10 CFR Parts 25 and 95. Because none of these has been determined to be small as defined by the Regulatory Flexibility Act of 1980, the Commission finds that this rule will not have a significant economic impact upon a substantial number of small entities.

List of Subjects

10 CFR Part 25

Classified information, Investigations, Penalty, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 95

Classified information, Penalty, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the preamble and under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the Independent Offices Appropriation Act of 1952 and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Parts 25 and 95.

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

1. The authority citation for Part 25 continues to read as follows:

Authority: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10865, as amended, 3 CFR 1959-1963 COMP., p. 398 (50 U.S.C. 401, note); E.O. 12356, 47 FR 14874, April 6, 1982.

Appendix A also issued under 96 Stat. 1051 (31 U.S.C. 9701).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 25.13, 25.17(a), 25.33 (b) and (c) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 25.13 and 25.33(b) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 25.5, the definition of "L" access authorization is revised to read as follows:

§ 25.5 Definitions.

* * * * *

"L" access authorization means an access authorization granted by the Commission which is normally based on a National Agency Check (NAC) or NAC and Inquiries (NACI) conducted by the Office of Personnel Management.

* * * * *

3. In § 25.15, paragraph (b) is revised to read as follows:

§ 25.15 Access permitted under "Q" or "L" access authorization.

* * * * *

(b) An "L" access authorization permits an individual access on a need-to-know basis to Confidential Restricted Data and Secret and Confidential National Security Information other than the categories specifically included in paragraph (a) of this section. In addition, access to certain Confidential COMSEC information is permitted as authorized by a National Communications Security Committee waiver dated February 14, 1985.

* * * * *

PART 95—SECURITY FACILITY APPROVAL AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

4. The authority citation for Part 95 continues to read as follows:

Authority: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10865, as amended, 3 CFR 1959-1963 COMP., p. 398 (50 U.S.C. 401, note); E.O. 12356, 47 FR 14874, April 6, 1982.

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 95.13, 95.15(a), 95.25, 95.27, 95.29(b), 95.31, 95.33, 95.35, 95.37, 95.39, 95.41, 95.43, 95.45, 95.47, 95.51, 95.53, and 95.57 are also issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)).

5. In § 95.5, the definitions of "Authorized Classifier," "Infraction" and "L" access authorization are revised to read as follows:

§ 95.5 Definitions.

* * * * *

"Authorized Classifier" means an individual authorized in writing by appropriate authority to classify, declassify or downgrade the classification of information. This term applies to authorized derivative classifiers and authorized original classifiers.

* * * * *

"Infraction" means an act or omission involving failure to comply with NRC security requirements or procedures.

* * * * *

"L" access authorization means an access authorization granted by the Commission which is normally based on a National Agency Check (NAC) or NAC and Inquiries (NACI) conducted by the Office of Personnel Management.

* * * * *

§ 95.15 [Amended]

6. In § 95.15, paragraph (d) is removed.

7. A new § 95.18 is added to read as follows:

§ 95.18 Changes to security practices and procedures.

(a) Except as specified in paragraph (b) of this section, each licensee or other person shall obtain prior NRC approval for any proposed change to the name, location, security procedures and controls, or floor plan of the approved facility. A written description of the proposed change must be furnished to the NRC Director, Division of Security, Office of Administration, Washington, DC 20555, with a copy to the Regional Administrator of the cognizant Regional Office listed in Appendix A of Part 73. The NRC shall promptly respond in writing to all such proposals. Some examples of substantive changes requiring prior NRC approval include:

(1) A change in the approved facility's classified mail address; or

(2) A temporary or permanent change in the location of the approved facility (e.g., moving or relocating NRC's classified interest from one room or building to another).

(b) A licensee or other person may effect a minor, nonsubstantive change to an NRC approved facility security plan for the safeguarding of National Security Information and/or Restricted Data without receiving prior NRC approval, provided prompt notification of such minor change is furnished to the addressee noted in paragraph (a) of this section, and the change does not decrease the effectiveness of the plan. Some examples of minor, nonsubstantive changes to the facility security plan include:

(1) The designation/appointment of a new facility security officer; or

(2) A revision to protective personnel patrol routine, provided the new routine continues to meet the minimum requirements of this part.

8. Section 95.19 is revised to read as follows:

§ 95.19 Grant, denial or termination of security facility approval.

The Division of Security shall provide notification in writing (or orally with written confirmation) to the licensee or other organization, of the Commission's grant, denial, or termination of security facility approval. This information shall also be furnished to representatives of NRC, NRC licensees, NRC contractors, or other Federal agencies having a need to transmit National Security Information and/or Restricted Data to the licensee or other person.

9. In § 95.21, the heading is revised to read as follows:

§ 95.21 Withdrawal of requests for security facility approval.

* * * * *

10. In § 95.25, the heading is revised to read as follows:

§ 95.25 Protection of National Security Information and Restricted Data in storage.

* * * * *

11. Section 95.27 is revised to read as follows:

§ 95.27 Protection while in use.

While in use, matter containing National Security Information or Restricted Data must be under the direct control of an authorized individual to preclude physical, audio and visual access by persons who do not have the prescribed access authorization or other written Division of Security disclosure authorization (see § 95.36 for additional information concerning disclosure authorizations).

12. The heading of § 95.35 and paragraph (a)(1) are revised to read as follows:

§ 95.35 Access to National Security Information and Restricted Data.

(a) * * *

(1)(i) A "Q" access authorization which permits an individual access to (A) Secret and Confidential Restricted Data and (B) Secret and Confidential National Security Information which includes intelligence information, CRYPTO (i.e., cryptographic information) or other classified communications security (COMSEC) information, or

(ii) An "L" access authorization which permits an individual access to Confidential Restricted Data and Secret and Confidential National Security Information other than that noted in paragraph (a)(1)(i) of this section except that, access to certain Confidential COMSEC information is permitted as authorized by a National Communications Security Committee waiver dated February 14, 1984.

* * * * *

13. IN § 95.41, the heading is revised to read as follows:

§ 95.41 Accountability for Secret matter.

* * * * *

14. In 95.53 the heading and paragraph (b) are revised to read as follows:

§ 95.53 Termination of security facility approval.

* * * * *

(b) In any instance where security facility approval has been terminated based on a determination of the Commission that further possession of classified matter by the facility would not be in the interest of the national security, the facility shall, upon notice from the Commission, immediately deliver all classified documents and materials to the Commission along with a certificate of nonpossession of National Security Information and Restricted Data.

15. Section 95.95 is revised to read as follows:

§ 95.55 Continued applicability of the regulations in this part.

The suspension, revocation or other termination of access authorization or the termination of security facility approval shall not relieve any person from compliance with the regulations in this part.

16. Section 95.59 is revised to read as follows:

§ 95.59 Inspections.

The Commission shall make inspections and surveys of the premises, activities, records and procedures of any person subject to the regulations in this part as the Commission deems necessary to effect the purposes of the Act, E.O. 12356 and/or NRC rules.

Dated at Bethesda, MD this 30th day of August, 1985.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 85-21740 Filed 9-10-85; 8:45 am]

BILLING CODE 7590-01-M

FARM CREDIT ADMINISTRATION

12 CFR Part 611

Organization

AGENCY: Farm Credit Administration.

ACTION: Final rule with request for comments.

SUMMARY: The Farm Credit Administration (FCA), by its Federal Farm Credit Board (Federal Board), has promulgated a new regulation, § 611.1145, that sets forth the standards and procedures under which the FCA may direct a transfer of funds and equities between Farm Credit System (System) institutions.

DATES: Effective September 10, 1985

Written comments must be received on or before October 9, 1985.

ADDRESSES: Submit comments in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090. Copies of all communications received will be available for examination by interested parties in the Office of Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Peoples, Office of the General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, VA 22102-5090, (703) 883-4024

SUPPLEMENTARY INFORMATION: The Farm Credit Act of 1971, as amended (Act), authorizes the FCA to regulate the borrowing, repayment, and transfer of funds and equities between System institutions. The FCA has adopted final regulations setting forth the standards and procedures under which it may direct a transfer of funds or equities between System institutions in the exercise of such power.

The primary source of funding for System banks and associations is debt capital obtained through the sale by the banks of long-term notes, bonds, debentures and other similar obligations, and short-term discount notes (hereinafter referred to collectively as "bonds") in the national capital markets. The joint and several liability of the banks on Systemwide bonds makes the System's financial condition only as strong as the sum of all of its component parts.

The System has used Systemwide bonds and discount notes almost exclusively over the last several years to finance lending activity. Should any bank default on its obligation to repay a

Systemwide bond for which the bank is primarily liable within the meaning of section 4.4(a) of the Act, the volume and price aspects of System funding operations would be very negatively affected. While the Act provides for a method to cure a bond default through a call by the Governor for payment first upon the other banks operating under the same title of the Act, and then upon other System banks for payment, such a default would damage, perhaps irreparably, the System's credibility and viability in the capital markets.

A significant decrease in the volume of funds available or a significant increase in the costs of the funds obtained could prevent System banks and associations from providing adequate levels of credit at competitive rates. The rates that are charged on System bonds are most likely to reflect investor assessments of the System's internal financial condition and the safety and soundness of its bonds relative to alternative investments.

Because of the dependence on the funding mechanism, it is imperative that the System address each district's financial problems swiftly in order to maintain investors' confidence that the System is effectively managing its assets and financial resources and will have no difficulty paying interest or principal on bonds as due. Absent adequate System action, it is imperative that the FCA utilize all of its authority under the Act to cause the System to marshal its resources in order to obviate defaults by System institutions on their financial obligations.

The final regulation sets forth standards and procedures under which the FCA may direct the sharing of resources by System institutions through the transfer of funds and equities to assure satisfaction of their financial responsibilities to each other and to investors. The FCA may direct such transfer between System banks when stock of a bank is impaired, the debt-to-capital ratio of a bank exceeds 20 to 1, a bank will be unable to repay its debt obligations, or a bank is not financially viable under specified criteria. Specific attention should be given to the formula for establishing financial viability.

The four criteria used to determine the financial viability of System institutions were developed by a committee of System financial officers and FCA staff. Criterion (b)(4)(i), the ratio of stock to earned net worth, measures the ability to absorb losses from retained earnings rather than from capital stock. A ratio of stock to earned net worth that exceeds 2 to 1 is a leading indicator that the capital structure of the institution has been seriously weakened. The critical value for this criterion is not applicable to banks for cooperatives because of their unique capital structure. Criterion (b)(4)(ii), relating to the ratio of debt to net worth, also measures the capital strength of the institution. A ratio exceeding 15 to 1 indicates a serious depletion of capital strength. Criterion (b)(4)(iii), relating to the amount of nonearning assets held, is an indicator of the quality of the assets in the institution's portfolio. When the level of nonearning assets reaches 15 percent of total assets, the institution may suffer severe operating losses or be required to charge a noncompetitive lending rate. Criterion (b)(4)(iv), relating to lendable equity, measures the ability of an institution to generate earnings. A negative lendable equity level indicates the institution no longer has the ability to generate operating earnings at competitive lending rates.

The regulation is applicable to System Federal land bank associations (FLBAs) and production credit associations (PCAs), as well as System banks. Associations benefit directly from bond issues in that bonds, issued through the banks, provide virtually the exclusive source of funds for association lending. The ability of a district bank to maintain a level of financial viability adequate to meet its obligations is largely dependent on the continued financial viability of its stockholder associations. The interests of banks and associations are inextricably intertwined so that financial conditions at one level necessarily support financial viability at the other level. The substantial benefits that associations derive from access to funds through their banks carry corresponding responsibilities on those associations to provide underlying financial support at their level to their banks.

Accordingly, paragraph (c) of the regulation provides that the FCA may direct a transfer of funds or equities between FLBAs or between PCAs where necessary to support their district bank, to support one another as determined by applying the criteria set forth in paragraphs (b)(2) and (b)(4) of the regulation to the associations, or to implement a System plan to provide financial assistance to their district bank. The ratio of debt to capital referenced in paragraph (b)(4)(ii) is 9 to 1 as applied to associations.

The regulation provides that the FCA shall establish the amount, timing, direction, repayment, and other terms of assessment necessary to accomplish a transfer, and the FCA may authorize a district bank to accomplish a transfer of funds or equities between associations through debits and credits to the accounts of the bank.

In acting on the regulation, the Federal Board determined that the financial condition of the banks and associations in a number of districts requires that the FCA have fully implemented its powers under the Act to regulate the sharing of resources between System institutions. Thus, the Federal Board found that public notice and publication for comment are not necessary and are contrary to the public interest, although the public will have 30 day to submit written coments to the Agency after the publication of the final regulation. For the same reasons, the Federal Board, acting pursuant to section 5.18(b)(2) of the Act, waived the 30-day period otherwise applicable under subparagraph (b)(1) of that section to final FCA Regulations. In accordance with 12 U.S.C. § 2252(b)(2), the regulation is effective on the date of publication.

List of Subjects in 12 CFR Part 611

Agriculture, Banks, banking, Organization and functions (Government agencies), Rural areas.

PART 611—ORGANIZATION

As stated in the preamble, Part 611 of Chapter VI, Title 12 of the Code of Federal Regulations, is to be revised as follows:

1. The authority citation for Part 611 continues to read as follows:

Authority: Secs. 1.13, 2.10, 4.12, 5.9, 5.12, 5.18, Pub. L. 91-181, 85 Stat. 619, 620, 621 (12 U.S.C. 2031, 2091, 2183, 2243, 2246 and 2251).

2. Subpart H is redesignated as Subpart I and a new Subpart H is added, the table of contents to read as follows:

Subpart H—Rules of Inter-System Fund Transfers

Sec.

Subpart H—Rules for Inter-System Fund Transfers

§ 611.1145 Inter-System transfer of funds and equities.

(a) Section 5.18(11) of the Act authorizes the FCA to regulate the borrowing, repayment, and transfer of funds and equities between institutions of the System, including banks, associations, and service organizations organized under the Act. This section sets forth the circumstances and procedures under which the FCA may direct such a transfer of funds and equities based on its determination with respect to the financial condition of one or more institutions of the System. For purposes of this section, the term "bond" refers to long-term notes, bonds, debentures, or other similar obligations, or short-term discount notes issued by one or more banks pursuant to section 4.2 of the Act.

(b) The FCA may direct a transfer of funds or equities by one or more banks of the System to another bank of the System where it determines that:

(1) The receiving institution will not be able to make payments of principal or interest on bonds for which it is primarily liable within the meaning of section 4.4(a) of the Act; or

(2) The common or preferred stock, participation certificates, or allocated equities of the receiving institution have a book value less than their par or stated values; or

(3) The total bonds outstanding for which the receiving institution is primarily liable exceed 20 times the combined capital and surplus accounts of the bank; or

(4) Based on application to it of one or more of the following ratios, the receiving institution is not financially viable in that it will not be able to continue to extend new or additional credit or financial assistance to its eligible borrowers:

(i) The ratio of stock to earned net worth (including legal reserve, unallocated and reserved surplus, undistributed earnings, and allowance for losses) exceeds 2 to 1;

(ii) The ratio of the outstanding bonds to capital and surplus exceeds 15 to 1;

(iii) Nonearning assets (any noninterest-bearing assets, including but not limited to cash, nonaccrual loans, net fixed assets, acquired property, accrued interest receivable, and accounts receivable) exceed 15 percent of total assets;

(iv) Lendable net worth (interest-earning assets less interest-bearing liabilities) is zero or less.

(c) The FCA may direct a transfer of funds or equities between two or more Federal land bank associations or two or more production credit associations in district where it determines that such transfer:

(1) Is necessary to provide financial support to the district bank in which those associations are stockholders based on application of the criteria to the bank as set for th in paragraph (b) of this section; or

(2) Is necessary to provide financial support to one or more other like associations in the district based on application of the criteria set forth in paragraphs (b)(2) or (b)(4) of this section to the associations, provided that in applying paragraph (b)(4)(ii) of this section the ratio of outstanding indebtedness to capital and surplus of the receiving associations(s) shall not exceed 9 to 1; or

(3) Is an integral part of a plan that has been adopted by other institutions of the System, and approved by the FCA, under which those institutions will extend financial assistance to the district bank in which those associations are stockholders.

(d) A direction by the FCA for a transfer of funds or equities pursuant to this section shall be signed by the Governor and shall establish the amount, timing, duration, repayment, and other terms of assessments necessary to accomplish such transfer, taking into consideration the financial condition of each institution to be assessed. Where the FCA directs a transfer of funds or equities between associations under paragraph (c)(1) or (c)(2) of this section, it may authorize the district bank in which such associations are stockholders to accomplish the necessary assessments through debits and credits to the accounts of the bank.

Donald E. Wilkinson,

Governor.

[FR Doc. 85-21794 Filed 9-10-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-ANE.-28; Amdt. 39-5132]

Airworthiness Directives; Grob-Werke GmbH Model G109 Powered Gliders (Serial Nos. 6001 Through 6159 Inclusive) and Model G109B (Serial Nos. 6200 Through 6317 Inclusive) Certificated in Any Category

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and replacement if necessary, of the main landing gear legs on certain Grob G109 powered gliders. The AD is needed to detect and prevent cracks in the main landing gear legs which could result in failure of the landing gear.

DATES: Effective—September 19, 1985.

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

Incorporation by Reference—Approved by the Director of the Federal Register effective September 19, 1985.

ADDRESSES: The applicable service information may be obtained from: Burkhart Grob of America Incorporated, 1070 Navajo Drive, Bluffton Airport Complex, Bluffton, Ohio 45817.

A copy of the applicable service documents is contained in the Rules Docket, FAA, New England Region, Room 311, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Mr. Terry Fahr, ANE-153, Boston Aircraft Certification Office, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7103.

SUPPLEMENTARY INFORMATION: The FAA has determined that cracks have developed in the region of the main landing gear leg boreholes due to overstressing on hard landings on two Grob G109 Powered Gliders. The cracks led to failure of the landing gear by fatigue. As a result of this failure, Grob-Werke GmbH has issued Technical Information TM 817-19 dated March 18, 1985, which requires inspection and replacement of the main landing gear legs. Luftfahrt Bundesamt (LBA), who has the responsibility and authority to maintain the continuing airworthiness of these powered gliders in the Federal Republic of Germany, has classified Grob-Werke Technical Information TM 817-19 dated March 18, 1985, and the actions recommended therein by the manufacturer, as mandatory to assure the continued airworthiness of the affected powered gliders. LBA has issued AD 85-132 dated June 12, 1985, which requires owners of certain Grob-Werke G109 and G109B powered gliders to accomplish the provisions of Grob-Werke Technical Information TM 817-19, dated March 18, 1985.

Since this condition is likely to exists on other powered gliders of the same type design, an AD is being issued which requires inspection, and replacement if necessary, of the main landing gear legs on certain Grob G109 and G109B powered gliders.

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

Conclusion

The FAA has determined that this regulation only involves 51 aircraft and will cost approximately $200 per aircraft. Therefore, I certify that this action (1) is not a "major rule" under