

of applying the reduction-in-force regulations (5 CFR Part 351) to determine to what, if any, position, he or she is entitled.

(c) *Reemployment in SES.* When the employee's right is to a position in the SES, reemployment or return may be to any position in the SES for which the employee is qualified.

6. The authority citation for Subpart C of Part 352 is revised to read as follows:

Authority: 5 U.S.C. 3584, E.O. 11552, 3 CFR 1966-1970 Comp., p. 954; Section 352.313 also issued under 5 U.S.C. 7701, et seq.

7. Section 352.305 is revised to read as follows:

§ 352.305 Eligibility for detail.

An employee, including a person serving under a career appointment in the Senior Executive Service (SES), is eligible to be detailed to an international organization with the rights provided for in, and in accordance with, section 3343 of title 5, United States Code, and this subpart.

8. Section 352.307 is amended by redesignating paragraphs (c), (d), and (e) as (d), (e), and (f), respectively, and adding a new paragraph (c), to read as follows:

§ 352.307 Eligibility for transfer.

(c) A person serving under a noncareer, limited emergency, or limited term appointment in the SES.

9. Section 352.311 is revised to read as follows:

§ 352.311 Reemployment.

(a) A transferred employee is entitled to be reemployed in his or her former position or one of like seniority, status, and pay within 30 days of his or her application for reemployment if he or she meets the following conditions:

(1) He or she is separated, either voluntarily or involuntarily, within his or her term of employment with an international organization; and

(2) He or she applies for reemployment to his or her former agency or its successor no later than 90 days after his or her separation.

(b) When an employee's right is to a position in the SES, reemployment or return may be to any position in the SES for which the employee is qualified. The employee shall be returned at not less than the SES pay level at which the employee was being paid immediately before his or her transfer.

10. In § 352.405, paragraph (a) is revised to read as follows:

§ 352.405 Resumption of Federal service.

(a) *Pay increase.* Except for an employee whose right is to a position in the Senior Executive Service (SES), an officer who is reemployed in the Federal position which he or she left or one of like seniority, status, and pay within 90 days of his or her separation from the agency following a term of employment, is entitled to the rate of basic pay to which he/she would have been entitled had he or she remained in the Federal service. When the employee's right is to a position in the SES, this subpart authorizes reemployment to any position in the SES for which the employee is qualified at not less than the SES pay level at which the employee was being paid immediately before his or her transfer.

11. The authority citation for Subpart E of Part 352 is revised to read as follows:

Authority: Sec. 625, 75 Stat. 449; 22 U.S.C. 2335; E.O. 10973; 3 CFR 1959-1963 Comp., p. 493; Section 352.508 also issued under 5 U.S.C. 7701 et seq.

12. Section 352.502 is amended by redesignating paragraphs (b) and (c) as (c) and (d), respectively, and by adding a new paragraph (b) to read as follows:

§ 352.502 Coverage.

(b) A person serving under a career appointment in the Senior Executive Service (SES).

13. Section 352.504 is revised to read as follows:

§ 352.504 Basic entitlement.

Subject to the conditions specified in this subpart, an employee who is appointed to a position under authority of section 233(d) or section 625(b) of the Act is entitled, on termination of that appointment for any reason other than his or her own misconduct or delinquency, to be reinstated in his or her former position or in one of like seniority, status, and pay in the same agency. When the employee's right is to a position in the SES, reinstatement may be to any position in the SES for which the employee is qualified. The employee shall be returned at not less than the SES pay level at which the employee was being paid immediately before his or her transfer. If the functions with which the employee's former position was identified have been transferred to another agency, the employee's right to reinstatement is in the gaining agency.

14. The authority citation for Subpart G of Part 352 is revised to read as follows:

Authority: Sec. 105(j), Pub. L. 93-638, 88 Stat. 2210 (25 U.S.C. 450); E.O. 11899; 41 FR 3459; Section 352.707 also issued under 5 U.S.C. 7701, et seq.

15. Section 352.703 is amended by revising the introductory text of paragraph (a) and adding paragraph (a)(3) to read as follows:

§ 352.703 Basic entitlement to reemployment rights on leaving Federal employment.

(a) *Employees entitled.* The following employees of the Bureau of Indian Affairs, Department of the Interior, and the Indian Health Service and the Public Health Service of the Department of Health and Human Services, are granted reemployment rights subject to the conditions of this subpart, to the Bureau of Indian Affairs, the Indian Health Service, or the Public Health Service, as appropriate, if they leave their Federal employment to be employed, with no break in service following separation from their agency, by an Indian tribal organization to work in a function of their respective agency contracted under the Indian Self-Determination Act to be performed by that tribal organization:

(3) An employee serving under a career appointment in the Senior Executive Service (SES) who is not serving a probationary period.

16. Section 352.706 is amended by redesignating paragraphs (d) and (e) as (e) and (f) respectively and adding a new paragraph (d) to read as follows:

§ 352.706 Agency response to reemployment application.

(d) *Reemployment to an SES position.* When the employee's right is to a position in the SES, reemployment or return may be to any position in the SES for which the employee is qualified. The employee shall be returned at not less than the SES pay level at which the employee was being paid immediately before his or her transfer.

17. The authority citation for Subpart H of Part 352 is revised to read as follows:

Authority: 22 U.S.C. 3310; E.O. 12143, 44 FR 37191; Section 352.807 also issued under 22 U.S.C. 3310; E.O. 12143, 45 FR 37452.

[FR Doc. 86-15663 Filed 7-10-86; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 371]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 371 establishes the quantity of California-Arizona Valencia oranges that may be shipped to market during the period July 11-17, 1986. The regulation is needed to balance the supply of fresh Valencia oranges with market demand for the period specified due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: Regulation 371 (§ 908.671) is effective for the period July 11-17, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone: 202/447-5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act and rules issued thereunder are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

The regulation is issued under Marketing Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and

information submitted by the Valencia Orange Administrative Committee (VOAC) and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The regulation is consistent with the marketing policy for 1985-86. The committee met publicly on July 8, 1986, to consider the current and prospective conditions of supply and demand and recommended the quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports that the market for Valencia oranges is slow.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because there is insufficient time between the date when information upon which this regulation is based became available and the effective date necessary to effectuate the declared policy of the act. Interested persons were given opportunity to submit information and views on the regulation at an open meeting. To effectuate the declared policy of the act, it is necessary to make the regulatory provisions effective as specified, and handlers have been notified of the regulation and the effective date.

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges, Valencias.

PART 908—[AMENDED]

1. The authority citation for 7 CFR Part 908 continues to read:

Authority: (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

2. Section 908.671 is added to read as follows:

§ 908.671 Valencia Orange Regulation 371.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period July 11, 1986, through July 17, 1986, are established as follows:

- (a) District 1: 322,000 cartons;
- (b) District 2: 378,000 cartons;
- (c) District 3: Unlimited cartons.

Dated: July 9, 1986.

Joseph A. Gribbin,
Fruit and Vegetable Division, Agricultural
Marketing Service.

[FR Doc. 86-15789 Filed 7-10-86; 8:45 am]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Wholesale Trade Size Standard

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: SBA is amending its size standard, or definition of small business, for the entire wholesale trade industry division from 500 employees to 100 employees for all SBA programs. This action is based on an internal study of the structure of this industry group, which showed that wholesale trade has the highest size standard of any major industry division, in terms of percentage of concerns defined as small. More recent data from the Bureau of the Census confirm this picture. Only two comments were received from the private sector on the proposed rule of October 1, 1985; both favored this reduction. Nearly all Government procurement officials who were queried also concurred with this change.

EFFECTIVE DATE: August 11, 1986.

FOR FURTHER INFORMATION CONTACT: Alan Odendahl, Economist, Size Standards Staff, (202) 653-6373.

SUPPLEMENTARY INFORMATION: On October 1, 1985, SBA published in the *Federal Register* a proposed lowering of the size standard for all wholesale trade industries to 100 employees from its present 500 employees. SBA's proposal was based on a comprehensive internal study of the industry structure of the wholesale trade sector, of the pattern of Federal procurement from wholesalers, and of public comments on previous proposals for wholesale trade size standards.

In 1977, the latest year for which data was available at the time the study was done, there were over 230,000 merchant wholesaler firms in the United States with total sales of about \$1.2 trillion. However, the average firm had only 14.6 employees, and the median firm was smaller yet, with only 6.5 employees.

Only 0.13 percent of merchant wholesaler firms (or exactly 309 companies out of 230,234) had more than 500 employees and are defined as large. The other 99.87 percent are defined as small. This is the highest percentage of firms defined as small among all major industry groups; the overall average for all nonfarm industries is 98.70 percent small.

New data for the year 1982 is now available from the U.S. Bureau of the Census. It shows an industry structure pattern that is almost unchanged from

the 1977 picture. By 1982 the number of merchant wholesaler firms had grown to 267,481, but only 366 of them have 500 or more employees. This is 0.14 percent of all firms as compared with 0.13 percent in 1977. Firms with 500 or more employees account for 24.2 percent of all sales by merchant wholesalers as compared to 21.3 percent in 1977.

At a size standard of 100 employees, the 1977 data showed 3,311 concerns or 1.44 percent of the total to be defined as large, and these would account for 40.4 percent of all merchant wholesaler sales. The other 98.56 percent of firms would be defined as small.

The 1982 data show 4,055 firms, or 1.52 percent of the total, with 100 or more employees; these concerns now account for 44.8 percent of industry sales. This leaves 98.48 percent of firms defined as small having 55.2 percent of total sales by merchant wholesalers.

The study emphasized that 100 employees, or any higher size standard through 250 employees, could be justified on the basis of industry structure, with 100 employees resulting in maximum equity across industry sectors. Based on previous public comments, the study recommended a level of 200 employees.

However, SBA's Size Policy Board voted for a proposed rule of 100 employees. The major impact would be in the loan rather than the procurement programs, the Board believed. Information subsequently furnished by the Financial Assistance Division showed only 96 out of 13,406 loans in SBA's wholesale trade portfolio, or 0.72 percent, had gone to firms with 101 to 500 employees.

Only two (2) comments were received on the proposed rule during the public comment period ending December 2, 1985. Both were from wholesalers of Mobile Offices/Utility Buildings, and both favored the proposed reduction.

A special letter was mailed on December 2 to Federal procurement officials in 18 agencies. Eventually 22 replies were received from 13 Federal departments and agencies.

Of the 22 replies, only two opposed the change. The Department of Agriculture said their rate of awards to small business for food items would decline. In poultry 70 percent of supplies instead of the present 50 percent would be classified as large.

One division of one regional office of the General Services Administration opposed the change. Apparently they felt that, at least in chemicals and plumbing equipment, products of small manufacturers are usually, or at least frequently, sold by rather large wholesalers—concerns with 101 to 500

employees. Eight other regions or components of GSA either supported the change or said it would have no real effect on them.

The Department of Defense told us they have no opposition to the proposed reduction. Neither do several units of the Navy Department, the Army, the Departments of Energy, Interior and Treasury, NASA, the EPA, the Veterans Administration, and the Tennessee Valley Authority.

Overall, this is a pattern of near-unanimous support for, or at least lack of opposition to, the proposed rule which is rarely found with proposed changes in size standards.

Accordingly, SBA's Size Policy Board has decided to adopt a final rule setting 100 employees as the size standard for all wholesale trade industries.

Compliance With Executive Order 12291, Regulatory Flexibility Act, and Paperwork Reduction Act.

In theory, this regulation may be a major rule as defined in Executive Order 12291. In this regard, it might have an economic impact in excess of \$100,000,000 per year. The number of companies which theoretically would be eliminated from set-aside competition by this reduction in size standard is 3,689 (based on 1982 data). However, it is probable that only a very few of these firms actually receive, or are interested in receiving, set-aside Government contracts. The number of loans in SBA's portfolio which went to firms having 101 to 500 employees is 96 out of 13,406 loans, or 0.72 percent of total loans to wholesalers. Despite the likelihood of the economic impact being under \$100 million, SBA cannot certify that this regulation is a nonmajor rule, because of the lack of data in this area.

The economic effect of this regulation would be to channel contracts and loans to smaller firms than at present. The universe of companies eligible for various forms of SBA assistance will contract by about 3,700 firms. Accordingly, this regulation is not likely to result in a major increase in costs or prices or have a significant adverse effect on the United States economy.

The economic benefit of promulgation of this rule is to insure that SBA's size standard properly reflects the make-up of the wholesale industry. In this way, SBA can assure that the benefits of the Government's small business programs go to truly small businesses. There are no costs inherent in the promulgation of this rule. The significant alternatives to the standard proposed by SBA are size standards of 150, 200, and 250 employees. These have been rejected, as indicated above, because each would

still leave the percentage of firms defined as small in the wholesale trade industry above the overall percentage of concerns defined as small in all industries combined. In addition, public comments on the proposed rule revealed zero opposition to a reduction to 100 employees and, presumably, no firms which would be significantly injured by the change.

SBA also certifies that this regulation contains no reporting or recordkeeping requirements which are subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

However, this regulation may have a significant economic impact on at least a few currently small firms active in the Federal marketplace and on a few small firms seeking to enter the Federal marketplace. This rule defines the maximum size a firm may be to bid on contracts set aside for small firms in this industry. Therefore, in compliance with the Regulatory Flexibility Act, SBA offers the following analysis:

We have indicated above in this supplementary material a description of the reasons why this action is being considered, a statement of the reasons for the objectives of this proposal, and a description of the significant alternatives to this proposal. The legal basis for this proposal is section 5(b) of the Small Business Act, 15 U.S.C. 634(b). There are no Federal rules which duplicate, overlap, or conflict with the proposed rule. There are no reporting, recordkeeping or other compliance requirements of the proposed rule.

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Government procurement, Government property, Grant programs—business, Loan programs—business, Reporting and recordkeeping requirements, Small business.

Accordingly, SBA amends Part 121 of 13 CFR as follows:

PART 121—[AMENDED]

1. The authority citation for Part 121 of 13 CFR continues to read as follows:

Authority: 15 U.S.C. 634(b).

2. In § 121.2(c)(2), Division F—Wholesale Trade is revised as follows:

§ 121.2 Standard Industrial Classification and Size Standards.

* * * * *

(c)(2) * * *

	Em- ployees
Division F—Wholesale Trade	
Major Group 50—Wholesale Trade—Durable Goods	
5012 Automobiles and Other Motor Vehicles.....	100
5013 Automotive Parts and Supplies.....	100
5014 Tires and Tubes.....	100
5021 Furniture.....	100
5023 Home Furnishings.....	100
5031 Lumber, Plywood, and Millwork.....	100
5039 Construction Materials, N.E.C.....	100
5041 Sporting and Recreational Goods and Supplies.....	100
5042 Toys and Hobby Goods and Supplies.....	100
5043 Photographic Equipment and Supplies.....	100
5051 Metals Service Centers and Offices.....	100
5052 Coal and Other Minerals and Ores.....	100
5063 Electrical Apparatus and Equipment, Wiring Supplies and Construction Materials.....	100
5064 Electrical Appliances, Television and Radio Sets.....	100
5065 Electronic Parts and Equipment.....	100
5072 Hardware.....	100
5074 Plumbing and Heating Equipment and Supplies (Hydronics).....	100
5075 Warm Air Heating and Air Conditioning Equipment and Supplies.....	100
5078 Refrigeration Equipment and Supplies.....	100
5081 Commercial Machines and Equipment.....	100
5082 Construction and Mining Machinery and Equipment.....	100
5083 Farm and Garden Machinery and Equipment.....	100
5084 Industrial Machinery and Equipment.....	100
5085 Industrial Supplies.....	100
5086 Professional Equipment and Supplies.....	100
5087 Service Establishment Equipment and Supplies.....	100
5088 Transportation Equipment and Supplies, Except Motor Vehicles.....	100
5093 Scrap and Waste Materials.....	100
5094 Jewelry, Watches, Diamonds and Other Precious Stones.....	100
5099 Durable Goods, N.E.C.....	100
MAJOR GROUP 51—WHOLESALE TRADE—NONDURABLE GOODS	
5111 Printing and Writing Paper.....	100
5112 Stationery Supplies.....	100
5113 Industrial and Personal Service Paper.....	100
5122 Drugs, Drug Proprietarys and Druggists' Sundries.....	100
5133 Piece Goods (Woven Fabrics).....	100
5134 Notions and Other Dry Goods.....	100
5136 Men's and Boys' Clothing and Furnishings.....	100
5137 Women's, Children's and Infants' Clothing and Accessories.....	100
5139 Footwear.....	100
5141 Groceries, General Line.....	100
5142 Frozen Foods.....	100
5143 Dairy Products.....	100
5144 Poultry and Poultry Products.....	100
5145 Confectionery.....	100
5146 Fish and Seafoods.....	100
5147 Meats and Meat Products.....	100
5148 Fresh Fruits and Vegetables.....	100
5149 Groceries and Related Products, N.E.C.....	100
5152 Cotton.....	100
5153 Grain.....	100
5154 Livestock.....	100
5159 Farm-Product Raw Materials, N.E.C.....	100
5161 Chemicals and Allied Products.....	100
5171 Petroleum Bulk Stations and Terminals.....	100
5172 Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals.....	100
5181 Beer and Ale.....	100
5182 Wines and Distilled Alcoholic Beverages.....	100
5191 Farm Supplies.....	100
5194 Tobacco and Tobacco Products.....	100
5198 Paints, Varnishes, and Supplies.....	100
5199 Nondurable Goods, N.E.C.....	100

James C. Sanders,
Administrator.

Date: March 26, 1986.

[FR Doc. 86-15695 Filed 7-10-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-NM-135-AD; Amdt. 39-5355]

Airworthiness Directives; Avion Marcel Dassault-Breguet Aviation Model Mystere-Falcon 50 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to certain Avion Marcel Dassault-Breguet Aviation (AMD-BA) Model Mystere-Falcon 50 series airplanes, which requires the modification of the fuel crossfeed valves. This action is prompted by reports of malfunctioning of fuel supply distributor booster pump crossfeed valves, which could cause fuel starvation of two engines if it became necessary to supply fuel from a single fuel feed line.

EFFECTIVE DATE: July 28, 1986.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to Falcon Jet Corporation, Customer Support Department, Teterboro Airport, Teterboro, New Jersey 07608. It may be examined at the Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, FAA, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, ANM-113; telephone (206) 431-2909. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Direction Generale de l'Aviation Civile (DGAC), which is the civil airworthiness authority of France, has, in accordance with existing provisions of a bilateral agreement, notified the FAA of an

unsafe condition which exists on certain AMD-BA Model Falcon 50 series airplanes. Water accumulation in the crossfeed valve actuator can cause failure of the valve due to seizure of the motor and reduction gearing, or corrosion of the internal electrical system. Failure of the crossfeed valve to function could cause two engines to fail in the event it becomes necessary to supply fuel to two of the three engines from a single supply. AMD-BA issued Service Bulletin F50-28-17 (F50-182), dated April 4, 1985, which describes modification of the valves by replacing the actuators with sealed actuators, and installation of a placard to preclude installation of the unmodified actuators. The DGAC issued Consigne de Navigabilite Number 86-55-4(b) in April 1986, which makes the modification mandatory.

Since this condition is likely to exist on airplanes of the same type design registered in the United States, this AD requires replacement of the actuators in the distributor blocks of crossfeed valves with sealed actuators and the installation of a placard in accordance with the aforementioned service bulletin.

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

The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in the aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 29, 1979), and if this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a); 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449; January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Avion Marcel Dassault-Breguet Aviation:

Applies to Model Mystere-Falcon 50 series airplanes, serial numbers 24 through 148, 148 through 158, 160, 161, and 162. Compliance is required as indicated below. To prevent engine failure due to fuel starvation, accomplish the following, unless previously accomplished:

A. Within the next 21 days after the effective date of this AD, replace the actuators in the distributor blocks of the crossfeed valves and install a placard in accordance with Avion Marcel Dassault-Breguet Aviation Service Bulletin F52-28-17 (AMD-BA F50-182), dated April 4, 1986.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive, who have not already received the appropriate service bulletin from the manufacturer, may obtain copies upon request to Falcon Jet Corporation, Customer Support Department, Teterboro Airport, Teterboro, New Jersey 07608. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective July 28, 1986.

Issued in Seattle, Washington, on July 2, 1986.

David E. Jones,

Acting Director, Northwest Mountain Region.
[FR Doc. 86-15620 Filed 7-10-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-ANE-17; Amendment 39-5346]

Airworthiness Directives; Rolls-Royce Limited RB211-22B, -535C, and -524 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires removal from service of stage 1 and 2 high pressure compressor (HPC) disk assemblies installed on certain Rolls-Royce RB211 series turbofan engines. The AD is needed to prevent fracture of the stage 1 HPC disk, due to material property deviations induced during the manufacturing process, which could result in uncontained engine failure.

EFFECTIVE DATE: August 14, 1986.

Compliance Schedule—As prescribed in the body of the AD. Incorporation by Reference—Approved by the Director of the Federal Register on August 14, 1986.

ADDRESSES: The applicable alert service bulletin (ASB) may be obtained from Rolls-Royce Limited, Technical Publications Department, P.O. Box 31, Derby DE2 8BJ, England. A copy of the ASB is contained in Rules Docket Number 85-ANE-17, in the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Chris Gavriel, Engine Certification Branch, ANE-141, Engine Certification Office, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7084.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations (FAR) to include a new AD requiring removal from service of stage 1 and 2 HPC disk assemblies installed on certain Rolls-Royce RB211-22B, -535C, and -524 series engines was published in the *Federal Register* on September 4, 1985, (50 FR 35839).

The proposal was prompted by an uncontained stage 1 disk failure in service at 3,188 flight cycles. This failure was precipitated by a non-uniformity in the disk material that occurred during the manufacturing process, resulting in a

reduction of the low cycle fatigue life of the stage 1 disk.

Since this condition is likely to exist or develop on other engines of the same type design, the AD requires removal from service of the suspect disk assemblies identified in Appendix 3 of Rolls-Royce ASB RB.211-72-A7774, Revision 1, dated March 21, 1986, at the next 04 module rework but not later than May 31, 1987.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant data and comments received. One comment was received. The commenter conducted an industry-wide survey on the proposed rule, and four out of five participants in the survey indicated no objection to the rule.

The remaining participant requested, through the commenter, that a five month extension to the compliance deadline be considered, to facilitate scheduling of two engine removals. Subsequent to issuance of the Notice of Proposed Rulemaking (NPRM), the FAA has determined that 72 disk assemblies listed in Appendix 3 of Rolls-Royce ASB RB.211-72-A7774, dated June 21, 1985, can be deleted. The remaining disk assemblies are now listed in the same appendix of Revision 1, of the ASB, dated March 21, 1986. The scheduling of only one of the participant's engines is now affected, because the recent revision to the ASB eliminated certain disk assemblies from Appendix 3. The request is denied since an equivalent level of safety is not provided for, and the impact of removing the one remaining engine is not considered substantial. The same revision of the ASB also identifies in Appendix 4, additional disk assemblies requiring removal which will be the subject of a new NPRM.

Conclusion

The FAA has determined that this regulation only involves 63 Rolls-Royce RB211-22B, -535C, and -524 series turbofan engines at an approximate total cost of 1.88 million dollars. It has also been determined that less than 11 small entities will be affected by this regulation. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is