

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 757 series airplanes, Group 1 and Group 2, as listed in Boeing Alert Service Bulletin 757-2A0081, dated June 24, 1988, certificated in any category. Compliance required within the next 120 days after the effective date of this AD, unless previously accomplished.

To prevent the loss of airplane braking due to a single hydraulic failure, accomplish the following:

A. Inspect Groups 1 and 2 airplanes left and right alternate antiskid valve module return ports for proper check valve configuration, and correct, if necessary, in accordance with Boeing Alert Service Bulletin 757-32A0081, dated June 24, 1988.

B. On Group 1 airplanes, remove the reducer unions installed in the left and right alternate brake metering valve module return ports and install check valves, in accordance with Boeing Alert Service Bulletin 757-32A0081, dated June 24, 1988.

C. 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, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send to the Manager, Seattle Aircraft Certification Office.

D. 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 the inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 8, 1989.

Issued in Seattle, Washington, on December 20, 1988.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-318 Filed 1-6-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-ASW-17; Amdt. 39-6098]

Airworthiness Directives; Sikorsky Aircraft Model S-61L, S-61N, S-61NM, S-61R, S-61A, and S-61V Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires frequent inspections of certain Sikorsky Model S-61 series main rotor blades. The amendment increases the main rotor (MR) blade eligibility for S-61 helicopter operators who are involved with external load operations. The amendment is needed to provide relief for operators who may have MR blades or spares that are presently ineligible.

DATES: *Effective Date:* February 8, 1989.
Compliance: As indicated in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, Commercial Customer Service Department, 6800 Main Street, Stratford, CT 06601-1381. A copy of the service bulletin is contained in the Rules Docket, Office of the Assistant Chief Counsel, FAA, Room 158, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Donald F. Thompson, Airframe Branch, Boston Aircraft Certification Office, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7113.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations by amending Amendment 39-5129 (50 FR 38506; September 23, 1985), AD 85-18-05, as amended by Amendment 39-5525 (52 FR 8582; March 19, 1987), AD 85-18-05R1, by revising the MR blade eligibility list to include previously ineligible MR blade part and dash numbers for use on certain Sikorsky Model S-61 series helicopters was published in the *Federal Register* on August 29, 1988 (53 FR 32921). Amendment 39-5129, as amended by Amendment 39-5525, currently requires frequent inspections on certain Sikorsky Model S-61 series main rotor blades. The proposal was prompted by additional information from the manufacturer and FAA data files that shows additional MR blades are also eligible for use on Sikorsky Model S-61 series helicopters involved

in frequent, heavy-lift operations under Part 133 external load operations. This amendment is relieving in nature and imposes no additional burden.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. Accordingly, the proposal is adopted without change.

The regulations adopted herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation only involves about 12 helicopters engaged in Part 133 external cargo operations and the approximate cost would be reduced by \$250,000 for each helicopter by allowing use of existing main rotor blades. 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, positive or negative, 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 contained in the regulatory docket. A copy of it may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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:

PART 39—AIRWORTHINESS DIRECTIVES

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 further amending Amendment 39-5129 (50 FR 38506; September 23, 1985), AD 85-18-05, as amended by Amendment 39-5525 (52 FR 8582; March 19, 1987), AD 85-18-05R1, by revising

paragraphs (a)(1)(iii), (a)(2)(ii), (a)(2)(iii), (a)(2)(iv), and (a)(6); and by adding new paragraphs (a)(1)(iv) and (a)(2)(v) to read as follows:

- (a) * * *
- (1) * * *
- (iii) P/N's 61170-20201-055, -056, -058, -059, -060, -061, -062, -065, and -067.
- (iv) P/N's S6117-20101-041, -046, -050, -051, -054, -055, -056, -057, and -058.
- (2) * * *
- (ii) P/N's S6115-20601-041, -042, -045, -046, -047, and -048.
- (iii) P/N's S6188-15001-041 and -045.
- (iv) P/N's 61170-20201-054, -055, -056, -058, -059, -060, -061, -062, -065, and -067.
- (v) P/N's S6117-20101-041, -046, -050, -051, -054, -055, -056, -057, and -058.
- (6) The following blades are approved for Model S-61R transport category helicopters operating up to a combined aircraft and cargo gross weight of 19,500 pounds:
 - (i) P/N's S6115-20501-041 and -042.
 - (ii) P/N's S6115-20601-042, and -045 through -048.
 - (iii) P/N's S6117-20101-041, -050, -051, -054, -056, -057, and -058.
 - (iv) P/N's 61170-20201-055, -056, -058 through -062, -064, -065, and -067.

This amendment becomes effective February 8, 1989.

This amendment amends Amendment 39-5129 (50 FR 38506; September 23, 1985), AD 85-18-05, as amended by Amendment 39-5525 (52 FR 8582; March 19, 1987), AD 85-18-05R1.

Issued in Fort Worth, Texas, on December 19, 1988.

James D. Erickson,

Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.

[FR Doc. 89-317 Filed 1-6-89; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1264

Implementation of the Program Fraud Civil Remedies Act of 1986

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: NASA is amending 14 CFR Part 1264 by making editorial and word changes, and by adding clarifying language consistent with suggestions by the President's Council on Integrity and Efficiency, in compliance with the Model Regulation. This regulation establishes NASA's practices and procedures in compliance with the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*

EFFECTIVE DATE: January 9, 1989.

ADDRESS: Office of the General Counsel, Code GG, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Sara Najjar, 202/453-2465.

SUPPLEMENTARY INFORMATION: NASA published its final rule in the *Federal Register* on October 22, 1987 (52 FR 39498). This amendment corrects misspelled words, makes some word changes for clarity, and adds language conforming to the suggestions of the President's Council on Integrity and Efficiency in response to the American Bar Association (ABA).

Since this action is internal and administrative in nature and does not affect the existing regulations, notice and public comment are not required.

The National Aeronautics and Space Administration has determined that:

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small business entities.

2. This rule is not a major rule as defined in Executive Order 12291.

List of Subjects in 14 CFR Part 1264

Administrative practice and procedure, Civil penalties and assessments, False claims or statements, Fraud, Remedies.

For reasons set out in the Preamble, 14 CFR Part 1264 is amended as follows:

PART 1264—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

1. The authority citation for 14 CFR Part 1264 continues to read as follows:

Authority: 31 U.S.C. 3809, 42 U.S.C. 2473(c)(1).

2. Section 1264.101 is amended by revising paragraphs (d), (m)(3), (o), and (q) to read as follows:

§ 1264.101 Definitions.

(d) Benefit means, in the context of "statement," anything of value, including but not limited to any advantage, preference, privilege, license, permit, favorable decision, ruling, status, or loan guarantee.

(m) * * *

(3) Acts in reckless disregard of the truth or falsity of the claim or statement.

(o) Person means any individual, partnership, corporation, association, or

private organization, and includes the plural of that term.

(q) Representative means an attorney who is in good standing of the bar of any State, Territory, or possession of the United States, or of the District of Columbia, or of the Commonwealth of Puerto Rico.

3. Section 1264.102 is amended by revising paragraphs (a)(3) and (b)(3) to read as follows:

§ 1264.102 Basis for civil penalties and assessments.

(a) * * *

(3) A claim shall be considered made to the authority, recipient, or party when such claim is actually made to an agent, fiscal intermediary, or other entity, including any State or political subdivision thereof, acting for or on behalf of the authority, recipient or party.

(b) * * *

(3) A statement shall be considered made to the authority when such statement is actually made to an agent, fiscal intermediary, or other entity, including any State or political subdivision thereof, acting for or on behalf of the authority.

4. Section 1264.103 is amended by revising paragraph (c) to read as follows:

§ 1264.103 Investigation.

(c) Nothing in this section shall preclude or limit the investigating official's discretion to refer allegations directly to the Department of Justice for suit under the False Claims Act or other civil relief, or to defer or postpone a report of referral to the reviewing official to avoid interference with a criminal investigation or prosecution.

5. Section 1264.106 is amended by revising paragraph (b)(4) to read as follows:

§ 1264.106 Complaint.

(b) * * *

(4) That failure to file an answer within 30 days of service of the complaint will result in the imposition of the maximum amount of penalties and assessments without right to appeal as provided in § 1264.109.

6. Section 1264.107 is amended by revising paragraphs (b) (1), (2) and (3) to read as follows:

§ 1264.107 Service of complaint.

- (b) * * *
- (1) Affidavit of the individual servicing the complaint by delivery;
- (2) A United States Postal Service return receipt card acknowledging receipt; or
- (3) Written acknowledgment of receipt by the defendant or his/her representative.
7. Section 1264.108 is amended by the addition of paragraph (c) to read as follows:

§ 1264.108 Answer.

(c) If the defendant is unable to file an answer meeting the requirements of paragraph (b) of this section within the time provided, the defendant may, before the expiration of 30 days from service of the complaint, file with the reviewing official a general answer denying liability and requesting a hearing, and a request for an extension of time within which to file an answer meeting the requirements of paragraph (b) of this section. The reviewing official, as provided in § 1264.110, shall file promptly with the presiding officer the complaint, the general answer denying liability, and the request for an extension of time. For good cause shown, the presiding officer may grant the defendant up to 30 additional days within which to file an answer meeting the requirements of paragraph (b) of this section.

8. A typo is corrected in § 1264.114 and the section is revised to read as follows:

§ 1264.114 Ex parte contacts.

No party or person (except employees of the presiding officer's office) shall communicate in any way with the presiding officer on any matter at issue in a case, unless on notice and opportunity for all parties to participate. This provision does not prohibit a person or party from inquiring about the status of a case or asking routine questions concerning administrative functions or procedures.

9. A typo is corrected in the section heading of § 1264.115. The section heading is revised to read as follows:

§ 1264.115 Disqualification of reviewing official or presiding officer.

10. Section 1264.117 is amended by revising paragraph (c) to read as follows:

§ 1264.117 Authority of the presiding officer.

(c) The presiding officer does not have

the authority to find Federal statutes or regulations invalid.

11. Section 1264.118 is amended by revising paragraphs (c)(3) and (c)(5) to read as follows:

§ 1264.118 Prehearing conferences.

(c) * * *

(3) Stipulations and admissions of fact or as to the contents and authenticity of documents;

(5) Whether a party chooses to waive appearance at an oral hearing and to submit only documentary evidence (subject to the objections of other parties) and written arguments;

§ 1264.125 [Amended]

12. Section 1264.125 is amended by revising paragraph (b) to read as follows:

(b) *Service.* A party filing a document with the presiding officer shall, at the time of filing, serve a copy of such document on every other party. Service upon any party of any document other than those required to be served as prescribed in § 1264.107 shall be made by delivering a copy or by placing a copy of the document in the U.S. mail, postage prepaid, and addressed to the party's last known address. When a party is represented by a representative, service shall be made upon such representative.

13. Section 1264.126 is revising paragraph (c) to read as follows:

§ 1264.126 Computation of time.

(c) Where a document has been served or issued by placing it in the mail, an additional 5 days will be added to the time permitted for any response.

14. Section 1264.132 is amended by revising paragraph (f)(2) to read as follows:

§ 1264.132 Witnesses.

(f) * * *

(2) In the case of a party that is not an individual, an officer or employee of the party appearing for the entity pro se or designated by the party's representative; or

15. Section 1264.136 is amended by revising paragraph (c) to read as follows:

§ 1264.136 Initial decision.

(c) The presiding officer shall promptly serve the initial decision on all

parties within 90 days after the time for submission of post-hearing briefs and reply briefs (if permitted) has expired or upon notification that the record is now closed. The presiding officer shall at the same time serve all parties with a statement describing the right of any defendant determined to be liable for a civil penalty or assessment to file a motion for reconsideration with the presiding officer or a notice of appeal with the authority head. If the presiding officer fails to meet the deadline contained in this paragraph, he or she shall notify the parties of the reason for the delay and shall set a new deadline.

16. Section 1264.137 is revising paragraph (f) and adding paragraph (g) to read as follows:

§ 1264.137 Reconsideration of initial decision.

(f) If the presiding officer denies a motion for reconsideration, the initial decision shall constitute the final decision of the authority head and shall be final and binding on the parties 30 days after the presiding officer denies the motion, unless the initial decision is timely appealed to the authority head in accordance with § 1264.138.

(g) If the presiding officer issues a revised initial decision, the revised decision shall constitute the final decision of the authority head and shall be final and binding on the parties 30 days after it is issued, unless it is timely appealed to the authority head in accordance with § 1264.138.

17. Section 1264.138 is amended by revising paragraphs (b)(1) (c), and (l), to read as follows:

§ 1264.138 Appeal to authority head.

(b) * * *

(1) A notice of appeal may be filed at any time within 30 days after the presiding officer issues an initial decision. However, if any other party files a motion for a reconsideration under § 1264.137, consideration of the appeal shall be stayed automatically pending resolution of the motion for reconsideration.

(c) If the defendant files a timely notice of appeal with the authority head and the time for filing motions for reconsideration under § 1264.137 has expired, the presiding officer shall forward the record of the proceeding to the authority head.

(l) Unless a petition for review is filed as provided in 31 U.S.C. 3805, after a defendant has exhausted all

administrative remedies under this part and within 60 days after the date on which the authority head serves the defendant with a copy of the authority head's decision, a determination that a defendant is liable under § 1264.102 is final and is not subject to judicial review.

James C. Fletcher,
Administrator.

December 27, 1988.

[FR Doc. 89-333 Filed 1-6-89; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

International Trade Administration

15 CFR Chs. III and VII

[Docket No. 81263-8263]

Transfer and Redesignation of Industrial Mobilization Regulations

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: On October 23, 1988, the industrial mobilization functions under the Defense Production Act of 1950, as amended, and the national security investigation functions under section 232 of the Trade Expansion Act of 1962, as amended, were transferred from the International Trade Administration to the Bureau of Export Administration, within the U.S. Department of Commerce.

This rule transfers the Defense Priorities and Allocations Regulations and regulations governing national security investigations performed under section 232 of the Trade Expansion Act of 1962, as amended, from Chapter III where the regulations of the International Trade Administration are published to Chapter VII under Title 15 of the Code of Federal Regulations. Formerly codified as 15 CFR Parts 350 and 359 respectively, the regulations are redesignated as 15 CFR Parts 700 and 705.

EFFECTIVE DATE: January 1, 1989.

FOR FURTHER INFORMATION CONTACT: Edward L. Levy, Section 232, Program Manager, Office of Industrial Resource Administration, Bureau of Export Administration, Telephone: 202/377-3795.

Accordingly, Title 15 of the Code of Federal Regulations is amended as follows:

CHAPTER III—[SUBCHAPTER B REDESIGNATED AS CHAPTER VII]

CHAPTER VII—[REDESIGNATED FROM CHAPTER III, SUBCHAPTER B]

1. In Chapter III, Subchapter B, is vacated and its contents are transferred to Chapter VII to be redesignated as shown in the table set forth below, and all internal cross references in 15 CFR Parts 350 and 359 are revised to reflect the newly redesignated parts.

Part	Present 15 CFR designation		Part	New 15 CFR designation
350	§§ 350.1-350.93	Defense Priorities and Allocations	700	§§ 700.1-700.93.
		Reserved	701-704	
350	Schedules I and V		700	Schedules I and V.
350	Appendixes I and IV		700	Appendixes I and IV.
359	§§ 359.1-359.10	Effect of Imported articles on the National Security.	705	§§ 705.1-705.10.
		Reserved	706-709	

PART 700—[AMENDED]

2. The authority citation for newly designated Part 700 is revised to read as follows:

Authority: Secs. 101-103, 701-707, 709, and 713, Defense Production Act of 1950, Pub. L. 81-774, 64 Stat. 798, as amended (50 U.S.C. app. 2071-2073, 2151-2157, 2159, and 2163); E.O. 10480, 18 FR 4939, 3 CFR 1979 Comp. p. 114, as amended; E.O. 12148, 44 FR 43239, 3 CFR 1979 Comp. p. 393, as amended; Defense Mobilization Order (DMO) 3, 44 CFR 322; DMO-12, 44 CFR 329; and DMO-13, 44 CFR 330.

PART 705—[AMENDED]

3. The authority citation for newly designated Part 705 is revised to read as follows:

Authority: Sec. 232, Trade Expansion Act of 1962 (19 U.S.C. 1862), as amended (Pub. L. 100-418, 102 Stat. 1107), Reorg. Plan No. 3 of 1979 (44 FR 69273, Dec. 3, 1979); E.O. 12188 of Jan. 2, 1980 (45 FR 989, Jan. 4, 1980).

Dated: December 30, 1988.

John A. Richards,
Acting Principal Deputy Assistant Secretary
for Export Administration.

Joan McEntee,
Deputy Under Secretary for International
Trade.

[FR Doc. 89-175 Filed 1-6-89; 8:45 am]

BILLING CODE 3510-DT-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Rule Review Under Regulatory Flexibility Act

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of review of rules and availability of report.

SUMMARY: The Commission has completed its review of eight rules that

were issued under the Flammable Fabrics Act and were in existence on January 1, 1981. The purpose of this review was to determine whether rules issued before enactment of the Regulatory Flexibility Act, which have a significant economic impact on a substantial number of small businesses, should be continued without change, amended or revoked.

After consideration of the rules, comments about them from the public, economic and other factors affecting firms subject to the rules, and other relevant information, the Commission has determined that while some of the rules reviewed may have had a significant economic impact on a substantial number of small businesses, no further action with respect to any of these rules is warranted under the Regulatory Flexibility Act. A report on this rule review, entitled "Regulatory Flexibility Act Review, Flammable Fabrics Act," is available on request.