

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 final evaluation has been prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the 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 part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Applies to Model DH/HS/BH/BAe 125 series airplanes certificated in any category, equipped with Sundstrand Turbomach Titan Gas Turbine Auxiliary Power (APU) Unit, Model T-62T Series, installed in the aft equipment compartment of the airplane.

Note.—Installation of the subject APU's has been in accordance with, but are not limited to, the following Supplemental Type Certificates (STC): SA674CE, SA1196EA, SA1143EA, SA44ONE, SA4710SW, SA1176EA, SA1173EA, SA1923SW.

This AD applies to all Sundstrand Turbomach Titan APU installations in the aft equipment compartment. Compliance is required as indicated unless previously accomplished.

To prevent a fire in the aft equipment compartment, puncture of the aft pressure bulkhead, and severance of the control cables, due to an uncontained APU rotor failure, accomplish the following:

A. Within the next 10 days after the effective date of this AD:

1. Revise the Limitations Section in the FAA-approved Airplane Flight Manual (AFM) Supplement to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM Supplement Limitations Section: "OPERATION OF THE APU DURING FLIGHT IS PROHIBITED, EXCEPT DURING AN EMERGENCY."

2. Install a placard next to the APU start switch in the cockpit to state: "OPERATION OF THE APU DURING FLIGHT IS

PROHIBITED, EXCEPT DURING AN EMERGENCY."

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, Transport Airplane Directorate.

Note.—The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

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 modifications required by this AD.

This amendment becomes effective September 28, 1989.

Issued in Seattle, Washington, on August 14, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane

Directorate, Aircraft Certification Service.

[FR Doc. 89-19677 Filed 8-21-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-54-AD; Amdt. 39-6310]

Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAC 1-11 200 and 400 series airplanes, which would limit the number of operations at increased cabin pressure differential, and would require repetitive structural inspections of the fuselage, and repair or replacement, as necessary. This amendment is prompted by the determination that airplanes operating at increased cabin pressure differential are more likely to develop fatigue cracking earlier in their service lives than those airplanes operating at normal cabin differential pressures. This condition, if not corrected, could result in the inability of the airplane structure to carry required loads.

DATES: Effective September 28, 1989.

ADDRESSES: The applicable service information may be obtained from British Aerospace PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information 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.

FOR FURTHER INFORMATION CONTACT:

Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 431-1565. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A

proposal to amend part 39 of the Federal Aviation Regulations, to include a new airworthiness directive applicable to British Aerospace BAC 1-11 200 and 400 series airplanes, which limits the number of operations at increased cabin pressure differential, and requires repetitive structural inspections of the fuselage, and repair or replacement, as necessary, was published in the Federal Register on May 30, 1989 (54 FR 22909).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supported the rule.

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

It is estimated that 30 airplanes of U.S. registry will be affected by this AD, that it will take approximately 67 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$80,400.

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.

For the reasons discussed above, 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 final evaluation has been prepared for this action and is contained in the

regulatory docket. A copy of it may be obtained from the 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 part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Applies to Model BAC 1-11 200 and 400 series airplanes, Post-Modification PM2840 and PM3187, or PM4886 (excluding airplanes modified to PM5282, cabin freight door), certificated in any category. Compliance is required as indicated below, unless previously accomplished.

To ensure continued structural integrity, accomplish the following:

A. For airplanes modified for operation to a maximum of 7.75 pounds per square inch (psi) cabin pressure differential, as specified in British Aerospace Alert Service Bulletin 53-A-PM5922, Issue 1, dated January 27, 1987:

1. At or prior to the accumulation of 55,000 landings, or within 15 months after the effective date of this AD, whichever occurs later, perform the inspections specified in paragraph 2.1 of the service bulletin and repeat the inspections in accordance with paragraph 2.1.1 of the service bulletin at intervals shown in Table AA of the service bulletin.

2. At or prior to the accumulation of 60,000 landings, or within 30 days after the effective date of this AD, whichever occurs later, reduce the aircraft maximum cabin pressure differential to 7.5 psi by system modification, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

B. For airplanes modified for operation at cabin pressure differentials above 7.75 psi up to a maximum of 8.2 psi, as specified in British Aerospace Alert Service Bulletin 53-A-PM5922, Issue 1, dated January 27, 1987:

1. For airplanes originally manufactured for operation at cabin pressure differentials above 7.75 psi, at or prior to the accumulation of the number of landings shown for initial inspection in the "NE period" column of Table AA in the service bulletin, or within 15 months after the effective date of this AD, whichever occurs later, perform inspections specified in paragraph 2.2.1 of the service bulletin and repeat the inspections as specified in paragraph 2.2.3 of the service

bulletin at intervals shown in Table AA of the service bulletin.

2. For airplanes modified for operation at cabin pressure differential above 7.75 psi after the airplane entered service, at or prior to the accumulation of the number landings shown for initial inspection in the "NE period" column (obtained using the inspection adjustment graph (page 6) of the service bulletin), in Table AA of service bulletin, or within 15 months after the effective date of this AD, whichever occurs later, perform initial inspections specified in paragraph 2.2.2 of the service bulletin. Repeat the inspections, as specified in paragraph 2.2.3 of the service bulletin, at intervals shown in Table AA of the service bulletin.

3. At or prior to the accumulation of 55,000 landings, or within 30 days after the effective date of this AD, whichever occurs later, reduce the aircraft cabin maximum operating pressure differential to 7.5 or 7.75 psi by modification as specified in paragraph 2.2.4 of the service bulletin, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

4. For airplanes which have had the cabin pressure differential reduced from 8.2 psi to 7.75 psi as specified in paragraph 2.2.6 of the service bulletin, perform repetitive inspections at intervals specified in the "NE period" column in Table AA of the service bulletin.

5. At or prior to the accumulation of 60,000 landings, or within 30 days after the effective date of this AD, whichever occurs later, the airplane cabin maximum operating pressure differential must be reduced to 7.5 psi by modification as specified in paragraph 2.2.7 of the service bulletin, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

6. For airplanes modified for 8.2 psi maximum cabin operating pressure differential and operated for a period in excess of any Table AA inspection threshold in the service bulletin, perform one additional inspection at or prior to the Table AA "NE period" column interval after limiting operation to 7.5 pounds per square inch, as specified in paragraph 2.2.5 of the service bulletin.

C. If defects are found during the inspections required by this AD, prior to further flight:

1. Replace with a serviceable part of the same part number; or

2. For damage within the limits specified in the BAC 1-11 Structural Repair Manual, repair in accordance with the Structural Repair Manual; or

3. Repair in accordance with a method approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

D. 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.

Note.—The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

E. 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 requirements of 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 British Aerospace PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective September 28, 1989.

Issued in Seattle, Washington, on August 14, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-19678 Filed 8-21-89; 8:45 am]

BILLING CODE 4910-13-M

Coast Guard

33 CFR Part 117

[CGD8-89-02]

Drawbridge Operation Regulations; Terrebonne Bayou, LA; Correction

AGENCY: U.S. Coast Guard, DOT.

ACTION: Final rule, correction.

SUMMARY: In notice document 89-15506 appearing on page 27642 in the issue of Friday, June 30, 1989, Amendatory Instruction 2 is corrected to read as follows:

"2. Section 117.505 is amended by removing existing paragraph (c), redesignating existing paragraphs (a) and (b) as paragraphs (b) and (c), respectively, and by adding new paragraphs (a), (d), and (e) to read as follows:"

FOR FURTHER INFORMATION CONTACT:

Mr. John Wachter, Bridge Administration Branch, 8th Coast Guard District, (504) 589-2965.

Dated: August 4, 1989.

W.F. Merfin,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 89-19597 Filed 8-21-89; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service
42 CFR Part 50
Public Health Service Grant Appeals Procedures
AGENCY: Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services (HHS) revises 42 CFR part 50, subpart D, which establishes an informal procedure for the resolution of certain Public Health Service (PHS) grant and cooperative agreement disputes prior to their submission to the Departmental Appeals Board. A revision of these procedures is necessary in order to bring them into conformance with the Department's rules at 45 CFR part 16 (46 FR 43817, August 31, 1981) which established the requirements and procedures applicable to the Departmental Appeals Board with respect to disputes arising under certain departmental grant and cooperative agreement programs. The major changes consist of the addition of one adverse determination to which the procedure is applicable and the deletion of another in order to eliminate the possibility of confusion arising as a result of the different areas of jurisdiction which are currently reflected by the two sets of regulations.

EFFECTIVE DATE: September 21, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Theodore J. Roumel, Phone: 301/443-1874.

SUPPLEMENTARY INFORMATION: HHS published a Notice of Proposed Rulemaking (NPRM) with respect to the revision of the informal PHS appeal procedures on July 8, 1988 (53 FR 25631). Comments from the public were requested. A single commenter provided several comments, but only one was considered to be relevant to the proposed changes in the regulatory text. That comment pertained to proposed § 50.404(a)(4) which describes the appealable adverse determination being added to the PHS regulations by this revision. That paragraph appeared in the NPRM as follows:

A denial of a noncompeting continuation award under the project period system of funding where the denial is for failure to comply with the terms of a previous award. This does not apply to denials that are due to the grantee's poor performance or to the unavailability of funds.

The commenter suggested that the last sentence of the above paragraph

rendered the paragraph more restrictive than the corresponding provision in the Departmental appeal regulations (45 CFR part 16, appendix A, paragraph (C)(a)(3)) the language of which is identical to the first sentence of the proposed paragraph quoted above.

It was not the intent of PHS to add language which would be interpreted as more restrictive than that in the Departmental regulations. The intent was to add language which would provide clarification as to the scope of the subject provision. Since the added language appears to have caused confusion, it has been deleted. The PHS language with respect to this adverse determination now exactly reflects that in the HHS regulations. In all other respects, except for minor editorial changes, the final rule follows the language of the proposed rule.

Impact Analysis

Executive Order 12291: Executive Order 12291 requires that a regulatory impact analysis be prepared for major rules—defined in the Order as any rule that has an annual effect on the nationally economy of \$100 million or more, or certain other specified effects. The Secretary certifies that these regulations are not major rules within the meaning of the Executive Order because they do not have an effect on the economy of \$100 million or more or otherwise meet the threshold criteria.

Regulatory Flexibility Act of 1980: The Regulatory Flexibility Act (5 U.S.C. Ch. 6) requires the Federal Government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. The Secretary has determined that this regulation will not have a significant economic impact on a substantial number of small entities and hereby certifies that an initial regulatory flexibility analysis is not required.

List of Subjects in 42 CFR Part 50

Administrative practice and procedure, Grant programs—health, Health care.

For the reasons set forth in the preamble, 42 CFR part 50, subpart D, is revised as set forth below:

Dated: April 12, 1989.

James F. Dickson,

Acting Assistant Secretary for Health.

Approved: August 4, 1989.

Louis W. Sullivan,
Secretary.

Subpart D—Public Health Service Grant Appeals Procedure
Sec.
50.401 What is the purpose of this subpart?

50.402 To what programs do these regulations apply?

50.403 What is the policy basis for these procedures?

50.404 What disputes are covered by these procedures?

50.405 What is the structure of review committees?

50.406 What are the steps in the process?

Authority: Sec. 215, Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216); 45 CFR 16.3(c).

§ 50.401 What is the purpose of this subpart?

This subpart establishes an informal procedure for the resolution of certain postaward grant and cooperative agreement disputes within PHS.

§ 50.402 To what programs do these regulations apply?

This subpart applies to all grant and cooperative agreement programs, except block grants, which are administered by the U.S. Public Health Service, including those administered by the National Institutes of Health; the Health Resources and Services Administration; the Centers for Disease Control; the Agency for Toxic Substances and Disease Registry; the Alcohol, Drug Abuse, and Mental Health Administration; the Food and Drug Administration; the Indian Health Service; the Office of the Assistant Secretary for Health (OASH); and the PHS regional offices.

§ 50.403 What is the policy basis for these procedures?

The Secretary of Health and Human Services has established a Departmental Appeals Board for the purpose of providing a fair and flexible process for the appeal of written final decisions involving certain grant and cooperative agreement programs administered by constituent agencies of the Department. The regulatory provision which establishes the circumstances under which the Board will accept an appeal (45 CFR 16.3) provides, among other things, that the appellant must have exhausted any preliminary appeal process required by regulation before a formal appeal to the Departmental Board will be allowed. These regulations provide such an informal preliminary procedure for resolution of disputes within PHS in order to preclude submission of cases to the Departmental Appeals Board before PHS has had an opportunity to review decisions of its officials and to settle disputes with grantees.

§ 50.404 What disputes are covered by these procedures?

(a) These procedures are applicable to the following adverse determinations under PHS discretionary project grants and cooperative agreements (hereinafter both referred to as grants):

(1) Termination, in whole or in part, of a grant for failure of the grantee to carry out its approved project in accordance with the applicable law and the terms and conditions of such assistance or for failure of the grantee otherwise to comply with any law, regulation, assurance, term, or condition applicable to the grant.

(2) A determination that an expenditure not allowable under the grant has been charged to the grant or that the grantee has otherwise failed to discharge its obligation to account for grant funds.

(3) A determination that a grant is void.

(4) A denial of a noncompeting continuation award under the project period system of funding where the denial is for failure to comply with the terms of a previous award.

(b) A determination subject to this subpart may not be reviewed by the review committee described in § 50.405 unless an officer or employee of the agency, OASH, or the regional office has notified the grantee in writing of the adverse determination. The notification must set forth the reasons for the determination in sufficient detail to enable the grantee to respond and must inform the grantee of the opportunity for review under this subpart.

§ 50.405 What is the structure of review committees?

The head of each agency or his/her designee shall appoint review committees to review appeals of adverse determinations made by headquarters officials for programs under the jurisdiction of that agency. The Assistant Secretary for Health, or his/her designee, shall appoint review committees to review adverse determinations made by OASH officials and regional officials for programs under their jurisdiction. A minimum of three employees shall be appointed (one of whom shall be designated as chairperson) either on an ad hoc, case-by-case basis, or as regular members of review committees for such terms as may be designated. None of the members of the review committee reviewing any given appeal may be from the office of the responsible official whose adverse determination is being appealed (e.g., project officer, grants

specialist, program manager, grants management officer).

§ 50.406 What are the steps in the process?

(a) A grantee with respect to whom an adverse determination described in § 50.404(a) above has been made and who desires a review of that determination must submit a request for such review to the head of the appropriate agency or his/her designee (or in the case of an OASH program or regional office determination, to the Assistant Secretary for Health or his/her designee) no later than 30 days after the written notification of the determination is received, except that if the grantee shows good cause why an extension of time should be granted, the head of the appropriate agency or his/her designee (or in the case of an OASH program or regional office determination, the Assistant Secretary for Health or his/her designee) may grant an extension of time.

(b) The request for review must include a copy of the adverse determination, must identify the issue(s) in dispute, and must contain a full statement of the grantee's position with respect to such issue(s) and the pertinent facts and reasons in support of the grantee's position. In addition to the required written statement, the grantee shall provide copies of any documents supporting its claim.

(c) When a request for review has been filed under this subpart with respect to an adverse determination, no action may be taken by the awarding agency, OASH, or regional office pursuant to such determination until the request has been disposed of, except that the filing of the request shall not affect any authority which the agency, OASH, or regional office may have to suspend assistance or otherwise to withhold or defer payments under the grant during proceedings under this subpart. This paragraph does not require the awarding agency, OASH, or regional office to provide continuation funding during the appeal process to a grantee whose noncompeting continuation award has been denied.

(d) Upon receipt of a request for review, the head of the agency or his/her designee (or, if the adverse determination was made in an OASH program or regional office, the Assistant Secretary for Health or his/her designee) will make a decision as to whether the dispute is reviewable under this subpart and will promptly notify the grantee and the office responsible for the adverse determination of this

decision. If the head of the agency or his/her designee (or, if applicable, the Assistant Secretary for Health or his/her designee) determines that the dispute is reviewable, he/she will forward the matter to the review committee appointed under § 50.405.

(e) The agency, OASH, or regional office involved will provide the review committee appointed under § 50.405 with copies of all relevant background materials (including application(s), award(s), summary statement(s), and correspondence) and any additional pertinent information available. These materials must be tabbed and organized chronologically and accompanied by an indexed list identifying each document.

(f) The grantee shall be given an opportunity to provide the review committee with additional statements and documentation not provided in the request for review described in paragraph (b) of this section. This additional submission, which must be organized and indexed as indicated under paragraph (e) of this section, should provide only material that is relevant to the review committee's deliberation of the issues in the case.

(g) The review committee may, at its discretion, invite the grantee and/or the agency/OASH/regional office staff to discuss the pertinent issues with the committee and to submit such additional information as the committee deems appropriate.

(h) Based on its review, the review committee will prepare a written decision to be signed by the chairperson and each of the other committee members. The review committee shall send the written decision with a transmittal letter to the grantee and shall send a copy of both to the official responsible for the adverse determination. If the decision is adverse to the grantee's position, the transmittal letter must state the grantee's right to appeal to the Departmental Appeals Board under 45 CFR Part 16.

[FR Doc. 89-19641 Filed 8-21-89; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[MM Docket No. 88-218; RM-6232]

Radio Broadcasting Services; Statesboro, GA

AGENCY: Federal Communications Commission.