

Late Fees," completed according to the FML.

Dated: September 22, 1989.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 90-3972 Filed 2-20-90; 8:45 am]

BILLING CODE 3410-07-M

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 87-016F]

RIN 0583-AA34

Binder Consisting of Sodium Alginate, Calcium Carbonate, Calcium Lactate, and Lactic Acid in Ground and Formed Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the poultry products inspection regulations to permit the use of a dry mixture of sodium alginate, lactic acid, calcium lactate, and calcium carbonate to produce an edible binder for addition to ground and formed poultry products. The Food and Drug Administration (FDA) has determined that these substances are generally recognized as safe (GRAS) for use in foods separately or in a dry mixture. FSIS has determined that it is now appropriate to add sodium alginate, calcium carbonate, lactic acid, and calcium lactate as a binding mixture to the list of acceptable binders for use in ground and formed poultry products. This dry mixture used as a binder in ground and formed poultry products would enable these poultry products to be marketed in a raw state as well as in a cooked state. Formed poultry products containing this binding mixture will be labeled to denote that they are "formed" and the binding mixture ingredients will be listed in the product name.

EFFECTIVE DATE: March 23, 1990.

FOR FURTHER INFORMATION CONTACT:

Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, Area Code (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator has determined in accordance with Executive Order 12291 that this final rule is not a "major rule."

It will have an effect on the economy of less than \$100 million; and will not result in increased costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not have a significant adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule provides for the use of a mixture consisting of sodium alginate, calcium carbonate, lactic acid, and calcium lactate as a binding mixture in raw or cooked poultry products. The added mixture may not exceed 1.55 percent of the product formulation. The mixture must be added in dry form as an edible binder in ground poultry products. This action will enable poultry producers to use a wider variety of binders, resulting in a greater variety of poultry products. The use of the binding mixture in poultry products is voluntary.

Effect On Small Entities

The Administrator has determined that this final rule will not have a significant economic impact upon a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rulemaking will impose no new requirements on industry; rather it will permit the poultry industry to use a new type of binder which allows raw or cooked pieces of ground poultry to cohere. Costs for equipment may be reduced due to elimination of usual freezing, tempering, and/or precooking prior to or after portioning. The formed poultry product containing this mixture as a binder can be conveniently portioned, packaged, and marketed as a refrigerated raw poultry food product, a frozen raw poultry food product, or precooked and marketed refrigerated or frozen. Use of the binding mixture in formed poultry is voluntary.

Background

The Agency has been petitioned by Colorado State University Research Foundation, Fort Collins, Colorado, to amend the poultry products inspection regulations to allow the use of a mixture consisting of sodium alginate, calcium carbonate, lactic acid, and calcium lactate in a dry binding mixture for addition to various raw or cooked formed poultry products.

Currently, poultry processors use advanced technology to produce formed poultry products from fresh ground poultry resembling fresh, intact muscles. These formed poultry products are marketed either frozen or pre-cooked to

retain textural and structural integrity. The algin/calcium gelation mechanism, which results from the addition of the dry mixture to the formulation, allows formed poultry products to be processed without any further need for addition of sodium chloride or phosphate salts. These poultry products would possess binding properties in raw as well as in the cooked, refrigerated state. The process involves reducing poultry product pieces to the appropriate particle size, depending on desired product attributes. In the course of the process, dry non-poultry product ingredients are added during mixing of poultry product pieces. The mixed ingredients, including the mixture of sodium alginate, calcium carbonate, lactic acid, and calcium lactate, could then be formed by molding or stuffing in the desired shape. After the gel has set, the raw product may be portioned and packaged. Other options are precooking and freezing or freezing the raw product.

The petitioner has supplied analytical data at FSIS's request supporting its claims that wholesomeness is not affected when poultry products are processed with this binding mixture. The quantity of dry mixture required to bind poultry pieces is not more than 1.55 percent of the total product formulation. Analytical data are available free of charge from the Standards and Labeling Division at the address given under

"FOR FURTHER INFORMATION CONTACT."

Regulatory Status

Sodium alginate (algin), which is the sodium salt of alginic acid, is listed in the poultry products inspection regulations and can be used at a level sufficient for purpose to extend and to stabilize various poultry products. FDA regulations list sodium alginate as an affirmed GRAS substance and it is used as a stabilizer and thickener at a 1.00 percent level in "other food" categories (21 CFR 184.1724).

Lactic acid is listed in the poultry products inspection regulations at a level sufficient for purpose as an acidifier when used in various poultry products. FDA regulations list lactic acid as an affirmed GRAS substance, and it is used in food with no limitation other than current good manufacturing practice (21 CFR 184.1061).

Calcium lactate, which is a calcium salt of lactic acid, presently is not listed in the poultry product inspection regulations, but it is listed as an affirmed GRAS substance in FDA regulations and could be used in the "all other" food categories with conditions

of use limited to a stabilizer and thickener (21 CFR 184.1207).

Calcium carbonate is not listed in the poultry products inspection regulations, but it is listed as an affirmed GRAS substance in the FDA regulations, and could be used in food without limitation other than good manufacturing practice (21 CFR 184.1191).

The use of sodium alginate, lactic acid, calcium lactate, and calcium carbonate to produce calcium alginate as a binder in formed meat food products has been permitted since September 17, 1986, in accordance with amendments to the Federal meat inspection regulations (9 CFR 318.7(c)(4)). Calcium alginate is also listed as an affirmed GRAS substance in the FDA regulations and could be used in the "all other" food categories as a stabilizer and thickener (21 CFR 184.1187). The added mixture for producing calcium alginate as a binder matrix in meat food products may not exceed 1.5 percent of the product at formulation. However, the calcium alginate produced by this mixture will not exceed 0.3 percent of the product at formulation. FSIS has determined, after a review of the available data, that the added mixture for poultry products should be increased to 1.55 percent of the product at formulation. This difference in use levels results from the fact that there are different soluble proteins in meat and poultry, that is, the soluble protein in poultry necessitates a slight increase in the total level to achieve the same binding effect. The individual ingredient use levels in the matrix for poultry would be limited as follows: (1) Sodium alginate—not more than 0.8 percent; (2) calcium carbonate—not more than 0.15 percent; and (3) lactic acid and calcium lactate in combination—not more than 0.6 percent.

FDA has advised FSIS that it considers the mixture of these substances as GRAS when the total mixture of such substances is dispersed in a dry form into the formulation and does not exceed 1.55 percent of the product formulation. At this level of use and under prescribed conditions, there

will be only a minimal reaction to produce calcium alginate as a binding compound. If the dry mixture is dispersed in water prior to application to poultry food products, calcium alginate could be produced in an amount that could exceed and conflict with the FDA GRAS standard for its use (21 CFR 184.1187). However, monitoring to assure that the mixture is only added in its dry form will be included as part of the inspector's routine duties.

The Administrator concurs with FDA's conclusions regarding the safety of these substances for their use. He also finds that information provided by the petitioner and the research data available to the Agency indicate that (1) the use of these substances as a dry mixture, as described, will be used at the lowest level necessary to accomplish the technical effect and will be in compliance with applicable FDA requirements, (2) the use of the mixture will be functional and suitable for the product intended, (3) the substances will be used at the lowest level necessary to accomplish their intended technical effects, and (4) the use of these substances will not render products in which they are used adulterated, misbranded, or otherwise not in accordance with the requirements of the Poultry Products Inspection Act.

Comments

FSIS received one comment in response to the proposal published on January 13, 1989, expressing full support.

Final Rule

Therefore, FSIS is amending the table of approved substances in poultry products inspection regulations (9 CFR 381.147(f)(4)) to include the use of sodium alginate, calcium carbonate, lactic acid, and calcium lactate in a dry mixture to form an edible binder matrix for addition to raw or cooked ground and formed poultry products.

The Agency is also amending the labeling provisions in the poultry products inspection regulations (9 CFR 381.129) to require a qualifying statement contiguous to the product

name identifying the presence of these substances when they are used as a binding mixture. This assures that the product will not be misbranded under the terms of the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*).

List of Subjects in 9 CFR Part 381

Food labeling, Poultry and poultry products, Food additives.

For the reasons explained in the preamble, Part 381 is amended as set forth below.

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

1. The authority citation for part 381 is revised to read as follows:

Authority: 7 U.S.C. 450; 21 U.S.C. 451-470; 601-695; 33 U.S.C. 1254; 7 CFR 2.17, 2.55.

2. Section 381.129 is amended by removing the authority citations at the end of the section and adding a new paragraph (d) to read as follows:

§ 381.129 False or misleading labeling or containers.

(d) When sodium alginate, calcium carbonate, lactic acid, and calcium lactate are used together in a dry binding matrix in ground and formed poultry products, as permitted in § 381.147 of this subchapter, there shall appear on the label contiguous to the product name, a statement to indicate the use of sodium alginate, calcium carbonate, lactic acid, and calcium lactate.

3. Section 381.147(f)(4) is amended by adding sodium alginate, calcium carbonate, lactic acid, and calcium lactate as one entry to the chart of substances approved for use in the preparation of products. This entry is placed in alphabetical order under the class of substances entitled "Binders and Extenders."

§ 381.147 Restrictions on the use of substances in poultry products.

(f) * * *

(4) * * *

Class of Substance	Substance	Purpose	Products	Amount
Binders and Extenders..	A mixture of sodium alginate, calcium carbonate, lactic acid, and calcium lactate.	To bind poultry pieces...	Ground and formed raw or cooked poultry pieces.	Sodium alginate not more than 0.8%, calcium carbonate not more than 0.15%, lactic acid and calcium lactate, in combination, not more than 0.6% of product formulation. Added mixture may not exceed 1.55% of product at formulation. The mixture must be added in dry form.

Done at Washington, DC, on: January 19, 1990.

Lester M. Crawford,
Administrator, Food Safety and Inspection
Service.

[FR Doc. 90-3913 Filed 2-20-90; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 70 and 74

RIN 3150-AD47

Centralization of Material Control and Accounting Licensing and Inspection Activities for Nonreactor Facilities

AGENCY: Nuclear Regulatory
Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to reflect a management action to centralize material control and accounting (MC&A) licensing and inspection activities in NRC Headquarters, Rockville, Maryland, for nonreactor facilities. Effective February 21, 1990, for affected facilities located in Region II, MC&A licensing reviews required by 10 CFR 70.32(c) and inspections will be performed by the Domestic Safeguards and Regional Oversight Branch, Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards. This action is necessary because the small number of affected facilities in Region II cannot support within Region II the full spectrum of knowledge, skills, and disciplines needed to conduct MC&A inspections. (The centralization of these functions for Regions I, III, and V became effective on February 15, 1989. Region IV has no affected facilities.)

EFFECTIVE DATE: February 21, 1990.

FOR FURTHER INFORMATION CONTACT: Dr. Stanley L. Dolins, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-3745 or Ms. Rocio Castaneira, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-0392.

SUPPLEMENTARY INFORMATION:

Background

On December 22, 1988, the Executive Director for Operations approved, with

the concurrence of the Chairman, a phased centralization in NRC Headquarters, Rockville, Maryland, of MC&A activities for nonreactor facilities. Affected are those nonreactor facilities required to maintain an MC&A program. Nationwide, there are, at the present time, 16 nonreactor facilities required to maintain MC&A programs and subject to MC&A inspections. Transfer of these licensing and inspection functions from Regions I, III, and V to the Domestic Safeguards and Regional Oversight Branch, Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards was effective on February 15, 1989. To complete the phased centralization, transfer of these licensing and inspection functions from Region II was to take place through attrition or over a period of 2 years, whichever came first. Region IV has no affected facilities. Subsequently, Region II has requested that we proceed with the final phase of this centralization and transfer the MC&A functions currently in Region II to headquarters earlier on instead of waiting for the 2-year period to expire. The Office of Nuclear Material Safety and Safeguards has agreed to the transfer and established February 21, 1990, as the effective date. The centralization for these functions is needed because the relatively small annual workload requirements for the NRC in Region II cannot continue to support within Region II a full spectrum of the knowledge, skills, and disciplines needed to perform MC&A inspections. Completion of the final phase of this centralization in NRC headquarters will ensure the continued maintenance of a viable and adequate nationwide MC&A inspection program for nonreactor facilities.

These revisions, necessitated by the completion of this phased centralization, are administrative in nature. They change the NRC recipient office point of contact for licensee reports from Region II to NRC headquarters and conform the regulation to track the responsibilities now assigned to the Director, Office of Nuclear Material Safety and Safeguards.

Because these are amendments dealing with a minor matter of agency management and personnel, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). These amendments are effective upon publication in the Federal Register. Good cause exists to dispense with the usual 30-day delay in the effective date because the amendments are of a minor administrative nature dealing with the completion of the phased centralization

to headquarters of licensing and inspection activities formerly conducted in the NRC Region II office.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget with approval numbers 3150-0009 and 3150-0123.

Backfit Analysis

This backfit rule, 10 CFR 50.109, does not apply to the facilities subject to this final rulemaking. Therefore, no backfit analysis has been prepared.

List of Subjects

10 CFR Part 70

Criminal penalties, Hazardous materials transportation, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 74

Accounting, Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 70 and 74.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

1. The authority citation for part 70 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

* * * * *

2. In § 70.32, the introductory text of paragraph (c)(2) is revised and paragraph (c)(3) is removed to read as follows:

§ 70.32 Conditions of licenses.

(c) * * *

(2) The licensee shall maintain records of changes to the material control and accounting program made without prior Commission approval for a period of 5 years from the date of the change. Licensees located in all five Regions as indicated in appendix A of part 73 of this chapter, shall furnish to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, a report containing a description of each change within:

3. In § 70.55, paragraph (c)(3) is revised to read as follows:

§ 70.55 Inspections.

(c) * * *

(3) The licensee shall afford any NRC resident inspector assigned to that site or other NRC inspectors identified by the Director, Office of Nuclear Material Safety and Safeguards, as likely to inspect the facility, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.

PART 74—MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

4. The authority citation for part 74 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

5. In § 74.13, the introductory text of paragraph (b) is revised to read as follows:

§ 74.13 Material status reports.

(b) Each licensee subject to the requirements of § 70.51(e) of this chapter shall submit a report, in accordance with paragraph (b)(1) or (b)(2) of this section, to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555 within 30

calendar days after the start of each ending physical inventory required by § 70.51(e)(3) of this chapter.

6. In § 74.17, paragraphs (a) and (b) are revised to read as follows:

§ 74.17 Special nuclear material physical inventory summary report.

(a) Each licensee subject to the requirements of § 74.31 shall submit a completed Special Nuclear Material Physical Inventory Summary Report on NRC Form 327 not later than 60 calendar days from the start of the physical inventory required by § 74.31(c)(5). The licensee shall report the inventory results by plant and total facility to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(b) Each licensee subject to the requirements of § 70.51(e) of this chapter shall submit a completed Special Nuclear Material Physical Inventory Summary Report on NRC Form 327 not later than 30 calendar days from the start of the physical inventory required by § 70.51(e)(3) of this chapter. The licensee shall report the inventory results by plant and total facility to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

7. In § 74.57, the introductory text of paragraph (c) and paragraph (f)(2) are revised to read as follows:

§ 74.57 Alarm resolution.

(c) Each licensee shall notify the Domestic Safeguards and Regional Oversight Branch of the Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards by telephone on (301) 492-3379 of any MC&A alarm that remains unresolved beyond the time period specified for its resolution in the licensee's fundamental nuclear material control plan. Notification must occur within 24 hours except when a holiday or weekend intervenes in which case the notification must occur on the next scheduled workday. The licensee may consider an alarm to be resolved if:

(f) * * *

(2) Within 24 hours, the licensee shall notify the Domestic Safeguards and Regional Oversight Branch of the Division of Safeguards and

Transportation, Office of Nuclear Material Safety and Safeguards by telephone on (301) 492-3379 that an MC&A alarm resolution procedure has been initiated.

8. In § 74.59, paragraph (f)(1)(iii) is revised to read as follows:

§ 74.59 Quality assurance and accounting requirements

(f) * * *

(1) * * *

(iii) Investigate and report to the Domestic Licensing and Regional Oversight Branch of the Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards and difference that exceeds three times the standard deviation determined from the sequential analysis;

9. In § 74.81, paragraph (c)(3) is revised to read as follows:

§ 74.81 Inspections.

(c) * * *

(3) The licensee shall afford any NRC resident inspector assigned to their site, or other NRC inspectors identified by the Director of the Office of Nuclear Material Safety and Safeguards as likely to inspect the facility, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.

Dated at Rockville, Maryland this 8th day of February, 1990.

For the Nuclear Regulatory Commission,

James M. Taylor,

Executive Director for Operations

[FR Doc. 90-3864 Filed 2-20-90; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88-NM-117-AD; Amendment 39-6515]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects Airworthiness Directive (AD) 89-11-06, Amendment 39-6219, applicable to certain Boeing Model 737 series airplanes, which requires inspection for fatigue cracks in certain forward lower cargo compartment frames and repair, if necessary. This action specifies the correct compliance time for certain initial inspections. This correction is necessary to prevent unnecessary inspection on low-cycle airplanes.

DATES: This correction is effective February 21, 1990.

The effective date for the requirements of this amendment remains June 22, 1989, as specified in Amendment 39-6219.

FOR FURTHER INFORMATION CONTACT: Mr. Dan R. Bui, Airframe Branch, ANM-120S; telephone (206) 431-1919. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: On May 8, 1989, the FAA issued AD 89-11-06, Amendment 39-6219 (54 FR 21932; May 22, 1989), applicable to Boeing Model 737 series airplanes, which requires inspections to detect fatigue cracking in certain forward lower cargo compartment frames, and repair, if necessary. Failure to detect cracked fuselage frames may result in sudden loss of cabin pressure and structural failure.

All of the inspections required by paragraph A. of the AD are to begin prior to the accumulation of a total of 29,000 landings (or within 100 landings after the effective date, whichever is later). However, paragraph A.1.b. currently requires an initial internal visual inspection of the frames within 2,400 landings after the effective date of the AD. The intent of the FAA was that this inspection be accomplished within 2,400 landings after accumulating the initial threshold of 29,000 total landings on the airplane (that is, prior to the accumulation of 31,400 total landings). Therefore, as written, the current AD unnecessarily requires inspection of low-cycle airplanes. Action is taken herein to make this correction.

Since this action only corrects an error in a final rule, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary and the amendment may be made effective upon publication in the *Federal Register*.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration corrects 14 CFR 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; 40 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 correcting the subparagraph A.1.b. of AD 89-11-06, Amendment 39-6219 (54 FR 21932; May 22, 1989) to read as follows:

Boeing: Applies to Boeing Model 737 series airplanes, listed in Boeing Alert Service Bulletin 737-53A1027, Revision 3, dated December 2, 1983, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent failure of the forward lower cargo compartment frames, accomplish the following:

A. Except as provided by paragraph B., below, accomplish one of the following prior to the accumulation of 29,000 total landing or within the next 100 landing after June 22, 1989 (the effective date of Amendment 39-6219), whichever occurs later:

1. a. Unless previously accomplished within the last 200 landings, conduct a close external visual inspection of the fuselage skin for cracks in the region of the frames specified by Boeing Service Bulletin 737-53A1027, Revision 3, dated December 2, 1983. Reinspect at intervals not to exceed 300 landings until the frames are inspected in accordance with paragraph A.1.b., below. If cracks are found, prior to further flight, repair fuselage skin in accordance with an FAA-approved method and visually inspect the fuselage frames specified by the aforementioned service bulletin for cracks. Frames found cracked must be repaired prior to further flight, in accordance with the service bulletin.

b. Prior to the accumulation of 31,400 total landings, or within 100 landings after June 22, 1989 (the effective date of Amendment 39-6219), whichever occurs later, unless previously accomplished within the last 6,600 landings, and thereafter at intervals not to exceed 9,000 landings, conduct a visual inspection for cracks of the fuselage frames specified in paragraph A.1.a., above.

If cracks are found, repair fuselage frames, prior to further flight, in accordance with Boeing Alert Service Bulletin 737-53A1027, Revision 3, dated December 2, 1983.

2. Unless previously accomplished within the last 1,900 landings, conduct an x-ray inspection for cracks of the fuselage frames

specified in paragraph A.1.a., above, in accordance with procedures described in the Boeing Model 737 Nondestructive Test Manual D6-37239, part 2, Subject 53-10-16. Reinspect at intervals not to exceed 2,000 landings. If cracks are found, repair fuselage frames prior to further flight, in accordance with Boeing Alert Service Bulletin 737-53A1027, Revision 3, dated December 2, 1983.

3. Unless previously accomplished within the last 8,900 landings, perform an internal visual inspection for cracks of the fuselage frames specified in paragraph A.1.a., above. Reinspect at intervals not to exceed 9,000 landings. If cracks are found, repair fuselage frames prior to further flight, in accordance with Boeing Alert Service Bulletin 737-53A1027, Revision 3, dated December 2, 1983.

4. Unless previously accomplished within the last 8,900 landings, conduct a low frequency eddy current inspection for cracks of the fuselage frames specified in paragraph A.1.a., above, in accordance with procedures described in Boeing Model 737 Nondestructive Test Manual D6-37239, part 6, Subject 53-10-01. Reinspect at intervals not to exceed 9,000 landings. If cracks are found, repair fuselage frames prior to further flight, in accordance with Boeing Alert Service Bulletin 737-53A1027, Revision 3, dated December 2, 1983.

B. For those airplanes that have been modified in accordance with part III of Boeing Alert Service Bulletin 737-53A1027, Revision 3, dated December 2, 1983, or the terminating modification described in AD 81-13-08: Prior to the accumulation of 15,600 landings after modification or within the next 1,000 landings after June 22, 1989 (the effective date of Amendment 39-6219), whichever occurs later, perform the inspection described in paragraph A.3., above, and repeat thereafter at intervals not to exceed 15,600 landings. As an alternate to this repetitive inspection, the external inspection described in paragraph A.1.a., above, may be performed at intervals not to exceed 6,600 landings. If cracks are found, repair fuselage skins and frames prior to further flight, in accordance with Boeing Alert Service Bulletin 737-53A1027, Revision 3, dated December 2, 1983, or in a manner approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region. These repairs do not constitute terminating action and are subject to the repetitive inspection requirements of this paragraph.

C. For the purposes of complying with this AD, the number of landings may be determined to equal the number of pressurization cycles where the cabin pressure differential was greater than 2.0 PSI.

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, Seattle Aircraft Certification Office, 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, Seattle Aircraft Certification Office.

Note: Inspection and modification in accordance with Boeing Alert Service Bulletin 737-53A1027, Revision 4, dated July 13, 1984; Revision 5, dated February 1, 1985; and Revision 6, dated August 25, 1988; are acceptable alternate means of compliance for this AD.

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

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, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This correction is effective February 21, 1990.

The effective date of the requirements of this amendment remains June 22, 1989, as specified in Amendment 39-6219.

Issued in Seattle, Washington, on February 9, 1990.

Darrell M. Pederson,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.
[FR Doc. 90-3897 Filed 2-20-90; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Parts 71 and 73

[Airspace Docket No. 89-AWP-21]

Alteration of Restricted Areas R-2306A Yuma West, R-2307 Yuma and R-2308A Yuma East and Establishment of R-2306E Yuma West, AZ; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects the using agency for R-2306A and R-2306E. In the final rule, published on January 8, 1990, the military service was erroneously listed as "USMC" and should correctly be listed as "U.S. Army."

EFFECTIVE DATE: 0901 u.t.c., March 8, 1990.

FOR FURTHER INFORMATION CONTACT: Linda Ullom, Military Operations Branch (ATO-140), Operations Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-7683.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 90-367, published on January 8, 1990, subdivided R-2306A into R-2306A and R-2306E. At the same time, the using agency was changed to read "USMC, Commanding Officer, Yuma Proving Ground, Yuma, AZ" (55 FR 610). The military service was erroneously listed as USMC. This action corrects the using agency to "U.S. Army, Commanding Officer, Yuma Proving Ground, Yuma, AZ."

List of Subjects in 14 CFR Parts 71 and 73

Aviation safety, Restricted areas and Continental control area.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, Federal Register Document 90-367, as published in the Federal Register on January 8, 1990 (55 FR 610) is corrected as follows:

R-2306A Yuma West, AZ [Corrected]

After the words "Using agency" (page 610, column 3), remove the words "USMC, Commanding Officer, Yuma Proving Ground, Yuma, AZ" and substitute the words "U.S. Army, Commanding Officer, Yuma Proving Ground, Yuma, AZ".

R-2306E Yuma West, AZ [Corrected]

After the words "Using agency" (page 610, column 3), remove the words "USMC, Commanding Officer, Yuma Proving Ground, Yuma, AZ" and substitute the words "U.S. Army, Commanding Officer, Yuma Proving Ground, Yuma, AZ".

Issued in Washington, DC, on February 12, 1990.

Harold W. Becker,
Manager, Airspace-Rules and Aeronautical
Information Division.
[FR Doc. 90-3899 Filed 2-20-90; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 89-ASO-33]

Establishment of Restricted Area R-2936; West Palm Beach, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes Restricted Area R-2936 West Palm Beach, FL, located approximately 4 miles west of the William P. Gwinn Airport, Jupiter, FL. The Pratt and Whitney Company, a division of United Technologies, is developing a turbopump for the main engine of the Space Shuttle. Ground test firing of

hydrogen gas, through an exhaust stack, creates significant turbulence and ambient air temperature increase which could be hazardous up to and including 10,000 feet.

EFFECTIVE DATE: 0901 u.t.c., May 3, 1990.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

History

On August 23, 1989, the FAA proposed to amend part 73 of the Federal Aviation Regulations (14 CFR part 73) to establish Restricted Area R-2936 (54 FR 35004). The Pratt and Whitney Company, a division of United Technologies, requested the establishment of the restricted area. Pratt and Whitney has been awarded a contract to develop a turbopump for the main engine of the Space Shuttle. During test firing, hydrogen gas is released through an exhaust stack. Calculations indicate that significant turbulence and high air temperatures are hazardous up to and including 10,000 feet. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

Three objections to the proposal were received and they are as follows:

(1) An airport owner was concerned that the restricted area may be permanent and questioned whether Pratt and Whitney will test each unit if it wins a contract to produce the turbopump.

The restricted area will be revoked after the development and testing of the Shuttle turbopump has been completed. There are no plans to expand the restricted area.

(2) A flight instructor recommended that advice should be given to all pilots when the restricted area is "hot" and the restricted area's operating hours should coincide with the operating hours of Gwinn Tower. Also, Pratt and Whitney should provide at least 6 hours notice before the test begins, and when the test program ends, the restricted area should be withdrawn.

The FAA will require notification from Pratt and Whitney, and the operating hours of the restricted area will be available to all air traffic control facilities in that area. Air traffic control facilities will issue NOTAMS, and the hours of the restricted area will coincide