modification by means of a handwritten signature, in ink, on the award or modification form (i.e., SF 26, 33, 1442, etc.). The certification requirement does not apply to:

(1) Leases of real property;

(2) Schedule contracts; or

(3) Standard or GSA multipage purchase/delivery order carbon forms.

(c) For Federal Supply Service contracts entered into the FSS–19 system and subject to the requirement in paragraph (a), above, distribution to the paying office shall be accomplished through the use of a system-generated contract listing.

6. Section 504.803 is amended by revising paragraph (a)(23) to read as follows:

**504.803 Contents of contract files.**

(a) * * *

(23) Contractual action. Successful bid or proposal and all pertinent correspondence applicable to the contractual action including evidence of submission of contract award data to paying office, if applicable (see 504.201). Subcontracting plans that are incorporated in and made a material part of a contract, as required by FAR 19.705–5(a)(5), and the successful competing contractor's certificate of procurement integrity required by FAR 3.104–9(b), should be filed under this tab.

* * * * *

## PART 508—REQUIRED SOURCES OF SUPPLIES AND SERVICES

7. Section 508.304–5 is revised to read as follows:

**508.304–5 Agency acquisition.**

Contracting officers shall notify the Public Utilities Services Division (PPU) in accordance with FAR 8.304–5(g), when a utility service supplier refuses to execute a contract.

**508.371 [REMOVED]**

8. Section 508.371 is removed.

## PART 510—SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

9. Section 510.011 is amended by adding paragraph (j) to read as follows:

**510.011 Solicitation provisions and contract clauses.**

* * * * *

(j) When the provision at 52.210–1, Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, is used in solicitations, the contracting officer is authorized to deviate from the FAR provision by substituting 490 L'Enfant Plaza, SW, Suite 8100, for the street address and 202–755–0325 or 0326 for the telephone numbers of the GSA Specification Unit shown in the provision. Business Service Centers in Chicago, IL; Los Angeles, CA; and Auburn, WA, also must be deleted from the provision because these offices no longer maintain and distribute Federal specifications and standards.

## PART 515—CONTRACTING BY NEGOTIATION

10. Section 515.406–1 is amended by revising paragraph (a) to read as follows:

**515.406–1 Uniform contract format.**

(a) Leases of real property are exempted from the requirement for use of the uniform contract format.

* * * * *

11. Section 515.414–70 is amended by revising paragraph (b) to read as follows:

**515.414–70 GSA Forms.**

* * * * *

(b) The GSA Form 3503, Representations and Certifications, may be used in solicitations and contracts, except leases of real property.

* * * * *

## PART 530—COST ACCOUNTING STANDARDS

12. Section 530.201–5 is revised to read as follows:

**530.201–5 Waiver.**

Requests to waive CAS requirements under FAR 30.201–5 shall be submitted to the CAS Board through the Associate Administrator for Acquisition Policy.

13. Subpart 530.4 is added consisting of section 530.470 to read as follows:

### Subpart 530.4 Cost Accounting Standards

**530.470 Waiver of Cost Accounting Standard 9904.412–40(c).**

The Associate Administrator for Acquisition Policy (V) on a non-delegable basis may waive the cost assignment provisions of 48 CFR 9904.412–40(c). Requests for waivers shall be forwarded to the Associate Administrator with supporting documentation and rationale. A copy of each approved waiver will be furnished by the Associate Administrator to the CAS Board's Executive Secretary.

## PART 533—PROTESTS, DISPUTES, AND APPEALS

14. Section 533.104 is amended by revising paragraph (c) to read as follows:

**533.104 Protests to GAO.**

* * * * *

(c) *Protests after award.* The procedures in paragraph (a) of this section apply to the handling of protests filed with GAO after award. If the protest is received from GAO (not from protester or any other party) within 10 calendar days after an award, contract performance must be suspended under FAR 33.104(c) unless the HCA determines in writing that contract performance is in the best interests of the United States or that urgent and compelling circumstances that significantly affect the interests of the United States do not permit waiting for the GAO's decision. The written determination and findings (D&F), in the format shown at 501.704–70(e)(2), should be prepared by the contracting officer for signature of the HCA. The D&F must be concurred in by the Regional Counsel (on regional procurements), and the appropriate AGC. After the D&F is approved, it must be returned to the AGC who notifies GAO of the agency's findings and intended action before contract performance is authorized.

* * * * *

Dated: December 7, 1992.

**Richard H. Hope, III,**

*Associate Administrator for Acquisition Policy.*

[FR Doc. 92–31084 Filed 12–23–92; 8:45 am]

BILLING CODE 6820–61–M

---

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1033

**[Ex Parte No. 334 (Sub-Nos. 8 and 8A)]**

### Joint Petitions for Rulemaking on Railroad Car Hire Compensation and for Exemption of Arbitration Rule and Motion to Dismiss

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Revisions to final rules.

**SUMMARY:** The Commission has revised two of its final rules scheduled to become effective January 1, 1993, governing the 10-year phased deprescription of the car hire rates. As revised, the final rules now treat cars rebuilt on or after January 1, 1991, essentially the same as they treat new cars.

**EFFECTIVE DATE:** The decision revising the rules is effective on December 28, 1992. The new rules, including these revisions, are effective January 1, 1993.

**FOR FURTHER INFORMATION CONTACT:**

Richard B. Felder, (202) 927–5610 [TDD for hearing impaired: (202) 927–5721.]

**SUPPLEMENTARY INFORMATION:** The Commission adopted final rules governing car hire rates in a decision served and published in the **Federal Register** on November 10, 1992, at 57 FR 53450. That decision became effective December 10, 1992. It provided that the rules will become effective January 1, 1993. Based on petitions for reconsideration that were filed, the Commission has revised §§ 1033.1(a)(3) and 1033.1(b)(1) of the new rules. The revisions were made so that new cars and cars rebuilt since January 1, 1991, would be treated similarly. The final rules, including the revisions to these sections, will still become effective January 1, 1993.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

**Regulatory Flexibility Analysis**

The Commission certified in its decision served November 10, 1992, that its action will not have a significant impact on a substantial number of small entities. The Petitions for Reconsideration did not challenge that certification, and the revisions of the rules adopted on reconsideration affect only two sections. As treating recently rebuilt cars and recently purchased cars similarly will not have a material effect on small purchased cars similarly will not have a material effect on small entities, the Commission certifies that its action will not have a significant impact on a substantial number of small entities.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

**List of Subjects**

*49 CFR Part 1033*

Railroads.

*49 CFR Part 1039*

Agricultural commodities, Intermodal transportation, Railroads.

Decided: December 21, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons and Phillips. Vice Chairman McDonald and Commissioner Simmons would have granted the stay.

**Sidney L. Strickland, Jr.,**

*Secretary.*

For the reasons set forth in the preamble, title 49, chapter X, part 1033 of the Code of Federal Regulations is amended as follows:

## PART 1033—CAR SERVICE

1. The authority citation for Part 1033 continues to read as follows:

**Authority:** 49 U.S.C. 10321, 10326, 11121, and 11122; 5 U.S.C. 553.

2. In section 1033.1 Paragraphs (a)(3) and (b)(1) are revised to read as follows:

**§ 1033.1 Car hire rates.**

(a) * * *

(3) *Fixed rate car.* Any car placed in service or rebuilt prior to January 1, 1991 or for which there was a written and binding contract to purchase, rebuild, or build prior to July 1, 1990, regardless of whether such car bore railroad reporting marks prior to January 1, 1991. Cars purchased or rebuilt on or after January 1, 1991, or under contract after July 1, 1990, will be deemed to be market rate cars. Provided, however, that for a period of one year from January 1, 1993, all cars shall be deemed to be fixed rate cars.

* * * * *

(b) * * *

(1) Except as provided in paragraph (b)(3) of this section, for a 10-year period beginning January 1, 1993, the prescribed rates shall continue to apply to fixed rate cars without regard to the aging of such cars subsequent to December 31, 1990.

* * * * *

[FR Doc. 92–31417 Filed 12–24–92; 8:45 am]

BILLING CODE 7035–01–M

---

**49 CFR Part 1180**

**[Ex Parte No. 282 (Sub-No. 12)]**

**Transfer or Operation of Lines of Railroads in Reorganization**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** On December 3, 1992 at 57 FR 57112 the Commission amended the procedures to be followed in allowing transfers or operations of lines of bankrupt rail carriers under bankruptcy reorganization. A revision is necessary to show the correct wording of one of the sentences adopted in this proceeding.

**EFFECTIVE DATE:** January 4, 1993.

**FOR FURTHER INFORMATION CONTACT:** Joseph Levin, (202) 927–6287 [TDD for hearing impaired: (202) 927–5721].

**SUPPLEMENTARY INFORMATION:**

**List of Subjects in 49 CFR Part 1180**

Railroads.

For the reasons set forth in the preamble, title 49, chapter X, part 1180 of the Code of Federal Regulations amended on December 3, 1992 at 57 FR 57112 is amended as follows:

## PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

1. The authority citation for part 1180 continues to read as follows:

**Authority:** 49 U.S.C. 10321, 10505, 11341, 11343–11346; 5 U.S.C. 553 and 559; and 11 U.S.C. 1172.

**§ 1180.20 [Corrected]**

2. In § 1180.20, paragraph (c), the second sentence is corrected by removing the word "different" and adding in its place the word "greater".

**Sidney L. Strickland, Jr.,**

*Secretary.*

[FR Doc. 92–31418 Filed 12–24–92; 8:45 am]

BILLING CODE 7035–01–M

---

## DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric Administration (NOAA)**

**50 CFR Part 672**

**Groundfish of the Gulf of Alaska**

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Approval of a fishery management plan amendment.

**SUMMARY:** NMFS announces the approval of Amendment 26 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The amendment continues the authorization of time/area closures around Kodiak Island to protect king and Tanner crab habitat areas. The action is intended to promote the recovery of these crab stocks and further the goals and objectives of the FMP that governs fishing for Gulf of Alaska groundfish.

**ADDRESSES:** Copies of the environmental assessment may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510 (907–271–2809).

**SUPPLEMENTARY INFORMATION:** During its June 23–28, 1992, meeting, the North

Pacific Fishery Management Council (Council) recommended Amendment 26 for review by the Secretary of Commerce (Secretary) under section 304(b) of the Magnuson Fishery Conservation and Management Act (Magnuson Act). A notice of availability of Amendment 26 was published in the **Federal Register** on September 25, 1992 (57 FR 44355). It invited review of, and comment on, the amendment until November 20, 1992. A full description of these time/area closures and their justification was published on October 15, 1992 (57 FR 47321).

**Response to Comments**

Two letters of comment were received during the comment period. Comments are summarized and responded to below.

*Comment 1:* Regulations implementing Amendment 26 and its predecessor, Amendment 18, exemplify a wise approach to the conservation of the crab resource without unnecessarily impacting commercial fishing operations.

*Response:* NMFS notes this comment.

*Comment 2:* NMFS invited comment on the enforcement concerns about aerial monitoring of the time/area closures to non-pelagic trawl gear when pelagic trawl gear could still be deployed in the closed areas. These concerns are unfounded in the Gulf of Alaska (GOA). Pollock is the only pelagic trawl fishery in the GOA. All other groundfish trawl fisheries are prosecuted with non-pelagic trawl gear. Additionally, all non-pelagic groundfish fisheries are restricted by a single halibut bycatch limit that is apportioned into seasonal allowances. When a seasonal allowance is reached, the GOA is closed to directed fishing for groundfish by vessels using trawl gear, except that fishing for pollock with pelagic trawl gear may continue when directed fishing for pollock is open. The only time pelagic and non-pelagic trawl gear operations simultaneously occur in the GOA is when directed fisheries for pollock and other groundfish are both open. The trawl fleet normally fishes for pollock at the beginning of each quarterly reporting period when quarterly apportionments of the annual pollock quota become available. Quarterly apportionments are harvested within a short time period and the trawl fleet typically shifts to other groundfish species during the remainder of the quarter. Therefore, monitoring of the non-pelagic trawl gear closures around Kodiak Island may only be complicated during the seasonal openings of the pollock fishery. NMFS enforcement need not resort to aerial monitoring in this case, but could simply confirm a vessel's participation in the pelagic trawl pollock fishery by checking observer reports, landings documents, or vessel logbooks.

*Response:* NMFS concurs that enforcement of the Kodiak Island closures to trawl gear other than pelagic trawl gear is possible. However, aerial surveillance of areas closed to specified gear types is the most effective and least costly and intrusive means to monitor such closures. NMFS may pursue an FMP amendment in the future that would prohibit the deployment of all trawl gear in the Kodiak Island time/area closures implemented under Amendment 26.

*Comment 3:* Fisheries enforcement would be enhanced if the time/area closures implemented under Amendment 26 applied to all trawl operations. Allowing only pelagic trawls in the closed areas renders aerial enforcement ineffective. As a result, enforcement of these closures will continue to require air/sea coordination to board and verify whether pelagic or non-pelagic trawl gear activity is occurring. The U.S. Coast Guard does not object to the regulations implementing Amendment 26 because they continue current practices and minimize impacts on pelagic trawl fisheries in the Kodiak Island area.

*Response:* NMFS notes this comment. Also, see response to Comment 2.

Amendment 26 authorizes time/area closures around Kodiak Island to protect sensitive king and Tanner habitat areas from on-bottom trawl operations by continuing the effectiveness of such closures that were authorized under Amendment 18 to the FMP (54 FR 50386, December 6, 1989) and for which authorization would have expired on December 31, 1992. Section 672.24 (d)(1) and (d)(3), in 50 CFR part 672 currently implement Amendment 26.

The Secretary has determined that Amendment 26 is consistent with the Magnuson Act and other applicable laws as authorized under section 304 of the Magnuson Act.

Dated: December 17, 1992.

**William W. Fox, Jr.,**

*Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 92-31127 Filed 12-23-92; 8:45 am]

BILLING CODE 3510-22-M

# Proposed Rules

Federal Register
Vol. 57, No. 249
Monday, December 28, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF JUSTICE

### 8 CFR Part 3

**[AG Order No. 1641–92]**

### Executive Office for Immigration Review; Deportation Proceedings: Alien Convicted of Aggravated Felony

**AGENCY:** Department of Justice.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule amends 8 CFR Part 3 by requiring an Immigration Judge to conduct a hearing on the merits within 30 days after the filing of the order to show cause in the case of an alien who is charged in the order as an alien who has been convicted of an aggravated felony. The Immigration Judge may not grant more than one continuance absent extraordinary or compelling circumstances. If an appeal is taken from an order of deportation, the Board of Immigration Appeals shall decide the appeal within 60 days of the filing thereof.

**DATES:** Written comments must be received no later than January 27, 1993.

**ADDRESSES:** Please submit written comments, in triplate, to Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, room 5304, 425 I Street NW., Washington, DC 20536.

**FOR FURTHER INFORMATION CONTACT:** Gerald S. Hurwitz, Counsel to the Executive Director, Executive Office for Immigration Review, Suite 2400 Skyline Tower, 5107 Leesburg Pike, Falls Church, Virginia 22041, (703) 756–6470; Robert K. Bingham, Acting Associate General Counsel, Office of the General Counsel, Room 7048, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20436, (202) 514–2895.

**SUPPLEMENTARY INFORMATION:** The proposed rule amends section 3.14 of Part 3 by adding a new paragraph (c) requiring the Executive Office of Immigration Review to expedite the administrative hearing and appeals of aliens charged, under section 241(a)(2)(A)(iii) of the Immigration and Naturalization Act (Act), as amended, as an alien convicted of an aggravated felony. In addition, the proposed rule amends section 3.3 to provide that an appeal from an order of deportation pursuant to section 241(a)(2)(A)(iii) shall be decided by the Board of Immigration Appeals within 60 days of the filing of the Notice of Appeal; and to limit the time that parties in such an appeal to file their briefs. This rule would implement the congressional mandate to protect society from serious criminal offenders pursuant to sections 242 (h)–(i) and 242A of the Act by facilitating their removal as expeditiously as possible upon a finding of deportability under section 241(a)(2)(A)(iii).

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this proposed rule does not have a significant adverse economic impact on a substantial number of small entities. This proposed rule is not a major rule within the meaning of section 1(b) of E.O. 12291, nor does this proposed rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

**List of Subjects in 8 CFR Part 3**

Administrative practice and procedure, Immigration, Organization and functions (Government agencies).

For the reasons set out in the preamble, 8 CFR part 3 is proposed to be amended as set forth below.

## PART 3—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

1. The authority citation for part 3 continues to read as follows:

**Authority:** 5 U.S.C. 301; 8 U.S.C. 1103, 1252 note, 1252b, 1362; 28 U.S.C. 509, 510, 1746; 5 U.S.C. 301; Sec. 2, Reorganization Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., p. 1002.

2. Section 3.3 is amended by adding a sentence at the end of paragraph (c) and by adding a new paragraph (d) to read as follows:

**§ 3.3 Notice of appeal.**

* * * * *

(c) *Briefs.* * * * In an appeal governed by paragraph (d) of this section, the brief of the appealing party must be filed within 10 days after service of the transcript of the hearing, and the opposing party shall be allowed ten days to respond.

(d) *Aggravated felony.* An appeal from an order of deportation pursuant to section 241(a)(2)(A)(iii) of the Act shall be considered and decided by the Board within 60 days of the filing of the Notice of Appeal. In extraordinary and compelling circumstances the Board may extend this 60 days period for an additional time not to exceed 60 days.

3. Section 3.14 is amended by adding a new paragraph (c) to read as follows:

**§ 3.14 Jurisdiction and commencement of proceedings.**

* * * * *

(c) When an Immigration Judge has jurisdiction over an alien charged with being deportable pursuant to section 241(a)(2)(A)(iii) of the Act, the hearing must be scheduled and completed within 30 days after the commencement of proceedings. In extraordinary and compelling circumstances the Immigration Judge may continue the hearing, or extend the scheduled date for a hearing, provided that the hearing is completed no more than 60 days after the commencement of proceedings.

Dated: December 14, 1992.

**William P. Barr,**

*Attorney General.*

[FR Doc. 92–31340 Filed 12–24–92; 8:45 am]

BILLING CODE 4410–01–M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. 92–NM–211–AD]**

### Airworthiness Directives; British Aerospace Model ATP Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace Model ATP series airplanes. This proposal would require an inspection to detect cracking of the aft end of the wing rib boom angles on the left and right engine, and repair or replacement of the wing rib boom angle assemblies, if necessary. This proposal

is prompted by the detection of cracks during routine maintenance of the wing rib boom angles at the main landing gear (MLG) actuator attachment point. The actions specified by the proposed AD are intended to prevent structural failure of the actuator attachment point, which could lead to collapse of the MLG.

**DATES:** Comments must be received by February 22, 1993.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–211–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC. 20041–0414. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–211–AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–211–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

**Discussion**

The United Kingdom Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace Model ATP series airplanes. The CAA advises that one operator of a Model ATP series airplane detected a fatigue crack in a wing rib boom angle at the main landing gear (MLG) actuator attachment point. Fatigue cracking will reduce the strength of the attachment of the MLG actuator support structure to the airframe. This condition, if not detected and corrected, could result in structural failure of the actuator attachment point, which could lead to collapse of the MLG.

British Aerospace has issued Service Bulletin ATP–57–13, dated September 18, 1992, which describes procedures for a visual inspection to detect cracking of the aft end of the wing rib boom angles on the wing rib outboard of the left and right engine, and replacement of the wing rib boom angle assemblies, if necessary. The CAA classified this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a visual inspection to detect cracking of the aft end of the wing rib boom angles on the wing rib outboard of the left and right engine, and repair or replacement of the wing rib boom angle assemblies, if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The requirements of this rule are considered interim action until final action is identified, at which time the FAA may consider further rulemaking.

The FAA estimates that 10 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,100, or $110 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR 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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

**§ 39.13 [Amended]**

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

**British Aerospace: Docket 92–NM–211–AD.**

*Applicability:* All Model ATP series airplanes, certificated in any category.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent structural failure of the main landing gear actuator attachment point, which could lead to collapse of the main landing gear, accomplish the following:

(a) Within 200 hours time-in-service after the effective date of this AD, conduct a visual inspection to detect cracking of the aft end of the wing rib boom angles on the wing rib outboard of the left and right engine, in accordance with British Aerospace Service Bulletin ATP–57–13, dated September 18, 1992.

(b) If no crack is detected, no further action is required.

(c) If any crack is detected and that crack does not extend beyond bolt hole X, accomplish either paragraph (c)(1) or (c)(2) of this AD.

(1) Prior to further flight, repair or replace the wing rib boom angle assembly in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(2) Within 150 hours time-in-service after accomplishing the initial inspection, reinspect the wing rib boom angles for crack propagation, in accordance with British Aerospace Service Bulletin ATP–57–13, dated September 18, 1992.

(i) If no additional crack propagation is detected, prior to the accumulation of 300 hours time-in-service after the initial inspection in accordance with paragraph (a) of this AD, repair or replace the wing rib boom angle assembly in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(ii) If additional crack propagation is detected or if cracking has exceeded the limits specified in paragraphs (d) or (e) of this AD, prior to further flight, repair or replace the wing rib boom angle assembly in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(d) If any crack is detected and that crack extends beyond bolt hole X, but not beyond bolt hole Y or down towards bolt hole A, accomplish either paragraph (d)(1) or (d)(2) of this AD.

(1) Prior to further flight, repair or replace the wing rib boom angle assembly in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(2) At intervals not to exceed 25 hours time-in-service, reinspect the wing rib boom angles for additional crack propagation, in accordance with British Aerospace Service Bulletin ATP–57–13, dated September 18, 1992.

(i) If no additional crack propagation is detected during any of the repeat inspections, prior to the accumulation of 150 hours time-in-service after the initial inspection in accordance with paragraph (a) of this AD, repair or replace the wing rib boom angle assembly in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(ii) If additional crack propagation is detected during any of the repeat inspections or if any crack propagation has exceeded the limits specified in paragraphs (d) or (e) of this AD, prior to further flight, repair or replace the wing rib boom angle assembly in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(e) If any crack is detected and that crack extends beyond bolt hole Y or into bolt hole A, prior to further flight, repair or replace the wing rib boom angle assembly in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

**Note:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on December 18, 1992.

**Bill R. Boxwell,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 92–31344 Filed 12–23–92; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF STATE

### Bureau of Politico-Military Affairs

### 22 CFR Part 121

**[Public Notice 1747]**

### Amendent to the International Traffic in Arms Regulations (ITAR)

**AGENCY:** Department of State.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule is the result of an advanced notice of proposed rulemaking published in **Federal Register**, 56 FR 43894, dated September 5, 1991. This proposed rule is intended to amend the regulations implementing section 38 of the Arms Export Control Act, which governs the export of defense articles and defense services. The Department previously amended the U.S. Munitions List by adding category XV for space-related articles and moving certain spacecraft-related items from the coverage of categories VIII and XI into the new category XV.

This proposed rule is intended to reduce the burden on exporters by clarifying that all remote sensing type satellites are covered under the U.S. Munitions List (USML). In addition, the language on components, parts, accessories and associated equipment has been modified in order to begin the process of moving some components of satellites off the USML to the Commerce Control List (CCL). Only those components which are specifically designed or modified for the satellites or other equipment controlled in category XV will themselves be controlled in category XV. All other components of satellites not specifically designed for one or more of the satellites controlled in category XV will be controlled under the CCL. At the same time, the new language in paragraph (e) cites five parameters, all five of which must be met, in order for radiation hardened microelectronic circuits to be controlled under category XV of the USML.

**DATES:** Comments must be submitted on or before January 27, 1993.

**ADDRESSES:** Written comments should be sent to: Kenneth M. Peoples, Office of Defense Trade Controls, SA–6, room 200, U.S. Department of State, Washington, DC 20522–0602, fax (703) 875–6647. Public comments will be made available for public inspection.

**FOR FURTHER INFORMATION CONTACT:** Kenneth M. Peoples, Office of Defense Trade Controls, Department of State, tel. (703) 875–6619, or Thomas Oldenburg, Office of Advanced Technology, Department of State, tel. (202) 647–2432.

**SUPPLEMENTARY INFORMATION:** On November 16, 1990, the President signed Executive Order 12735 on Chemical and Biological Weapons Proliferation and directed various other export control measures. The measures directed by the President include removal from the USML of all items contained on the COCOM dual-use list (also known as the "CORE" list) unless significant U.S. national security interests would be jeopardized. In

implementing this directive, the Department headed an interagency working group which reviewed the coverage of spacecraft and related components and determined that in the time allotted for this exercise, specific items could not be determined for removal. Therefore, in further implementation of the Presidential directive, the Department of State began chairing a space technical working group comprised of the Departments of State, Commerce, Defense, other national security agencies, NASA and other interested agencies. The group meets to recommend the movement of commercial satellites and related articles identified by the COCOM IL off the USML except for such commodities and technical data that it recommends be kept on the USML for reasons related to the U.S. national security. Previously, the group proposed the creation of Category XV, including the language for Global Positioning Service (GPS) receivers and commercial communications satellites and their components and technical data and defense services, all of which have been formally moved into Category XV. This proposed rule stipulates that all remote sensing type satellites and their related ground stations will continue to be controlled under new Category XV (b) of the USML, except for passive, receive-only ground stations for such satellites. This proposed rule constitutes the STWG's final recommendation. At the conclusion of the requisite thirty day public comment period, the group will review the comments and recommend a final rule, which in turn will conclude the rationalization exercise.

Note that this proposed rule changes the language of all of the headings for the various paragraphs in Category XV as outlined in previous **Federal Register** Notices. Paragraph (a) continues to cover all military satellites, but paragraph (b) now covers only "remote sensing" type satellites, paragraph (c) now covers only communications satellites, paragraph (d) now covers GPS receivers, paragraph (e) now covers components, parts, accessories, associated and attached equipment for the commodities in category XV, and paragraph (f) now covers technical data and defense services for the commodities in category XV.

This amendment involves a foreign affairs function of the United States and thus is excluded from the major rule procedures of Executive Order 12291 (46 FR 13193) and the procedures of 5 U.S.C. 553 and 554. Nevertheless, this amendment is being published as a notice of proposed rulemaking in order to provide the public with an opportunity to comment and provide advice and suggestions regarding the proposal. The period for submission of comments will close 30 days after publication of this notice of proposed rulemaking. In addition, this rule affects collection of information subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and will serve to reduce the burden on exporters by clarifying USML coverage of space-related articles. The relevant information collection is to be reviewed by the Office of Management and Budget under control no. 1404–0013.

Accordingly, for the reasons set forth in the preamble, it is proposed that title 22, chapter I, subchapter M (consisting of parts 120 through 130) of the Code of Federal Regulations, be amended as set forth below:

**List of Subjects in 22 CFR Part 121**

Arms and Munitions, Exports.

## PART 121—THE UNITED STATES MUNITIONS LIST

1. The authority citation for part 121 continues to read as follows:

**Authority:** Sec. 38, Arms Export Control Act, 90 Stat. 744 (22 U.S.C. 2778); E.O. 11958, 42 FR 4311; 22 U.S.C. 2658.

2. In § 121.1, category XV is amended by revising paragraphs (a) through (e) and by adding paragraph (f) to read as follows:

**§ 121.1 General. The United States Munitions List.**

* * * * *

**Category XV—Spacecraft Systems and Associated Equipment**

*(a) Spacecraft and associated hardware, including ground support equipment, specifically designed or modified for military use.

(b) Remote sensing satellite systems as follows:

*(1) All Remote sensing satellites;

(2) Ground control stations for remote sensing satellites as follows:

(i) Ground control stations for telemetry, tracking and control of such satellites; or

(ii) Passive ground stations for remote sensing satellites having any of the following characteristics:

(a) Employing any of the cryptographic items controlled under Category XIII of this subchapter; or

(b) Employing any uplink command capability.

**Note:** for export licensing controls over any passive ground receive only stations for remote sensing satellites not having any of the above parameters nor any systems or major components controlled elsewhere under this subchapter, see the Commerce Control List.

(c) Communications satellites (excluding ground stations and their associated equipment and technical data not enumerated elsewhere in this § 121.1; for controls on such ground stations, see the Commerce Control List) with any of the following characteristics:

1. Anti-jam capability. Antennas and/or antenna systems with ability to respond to incoming interference by adaptively reducing antenna gain in the direction of the interference.

2. Antennas:

(i). With aperture (overall dimension of the radiating portions of the antenna) greater than 30 feet; or

(ii). With sidelobes less than or equal to −35dB; or

(iii). Designed, modified, or configured to provide coverage area on the surface of the earth less than 200 nm in diameter, where "coverage area" is defined as that area on the surface of the earth that is illuminated by the main beam width of the antenna (which is the angular distance between half power points of the beam).

3. Designed, modified or configured for intersatellite data relay links that do not involve a ground relay terminal ("cross-links").

4. Spaceborne baseband processing equipment that uses any technique other than frequency translation which can be changed several times a day on a channel by channel basis among previously assigned fixed frequencies.

5. Employing any of the cryptographic items controlled under Category XIII (b) of this section.

6. Employing radiation-hardened devices controlled elsewhere in this § 121.1 that are not embedded in the satellite in such a way as to deny physical access. (Here "embedded" means that the device either cannot feasibly be removed from the satellite or be used for other purposes.)

7. Having propulsion systems which permit acceleration of the satellite on-orbit (i.e., after mission orbit injection) at rates greater than 0.1g.

8. Having attitude control and determination systems designed to provide spacecraft pointing determination and control better than 0.02 degrees azimuth and elevation.

9. Having orbit transfer engines ("kick-motors") which remain permanently with the spacecraft and are capable of being restarted after achievement of mission orbit and providing acceleration greater than 1g. (Orbit transfer engines which are not designed, built, and shipped as an integral part of the satellite are controlled under Category IV of this section.)

(d) Global Positioning System (GPS) receiving equipment specifically designed, modified or configured for military use; or GPS receiving equipment with any of the following characteristics:

1. Designed for encryption or decryption (e.g., Y-Code) of GPS precise positioning service (PPS) signals;

2. Designed for producing navigation results above 60,000 feet altitude and at 1,000 knots velocity or greater;

3. Specifically designed or modified for use with a null steering antenna or including a null steering antenna designed to reduce or avoid jamming signals;

4. Designed or modified for use with unmanned air vehicle systems capable of delivering at least a 500 kg payload to a range of at least 300 km.

**Note:** GPS receivers designed or modified for use with military unmanned air vehicle systems with less capability are considered to be specifically designed, modified or configured for military use and therefore covered under this subparagraph.

Any GPS equipment not meeting this definition is subject to the jurisdiction of the Department of Commerce (DOC). Manufacturers or exporters of equipment under DOC jurisdiction are advised that the U.S. Government does not assure the availability of the GPS P-Code for civil navigation. It is the policy of the Department of Defense (DOD) that GPS receivers using P-Code without clarification as to whether or not those receivers were designed or modified to use Y-Code will be presumed to be Y-Code capable and covered under this subparagraph. The DOD policy further requires that a notice be attached to all P-Code receivers presented for export. The notice must state the following: "ADVISORY NOTICE: This receiver uses the GPS P-Code signal, which by U.S. policy, may be switched off without notice."

(e) Components, parts, accessories, attachments, and associated equipment (including ground support equipment) as follows:

(1) Specifically designed, modified or configured for the articles in paragraphs (a) through (d) of this category.

(2) Radiation hardened microelectronic circuits that are specifically designed or rated to meet or exceed all five of the following characteristics:

**Note:** For export controls on all other radiation hardened microelectronic circuits not captured below, see the Commerce Control List.

(i) A total dose of $5 \times 10^5$ Rads (Si);

(ii) A dose rate upset of $5 \times 10^8$ Rads (Si)/Sec.;

(iii) A neutron dose of $1 \times 10^{14}$ N/cm$^2$;

(iv) A single event upset of $1 \times 10^{-7}$ or less error/bit/day; and

(v) Single event latch-up free and having a dose rate latch-up of $5 \times 10^8$ Rads(Si)/sec or greater.

(f) Technical data (as defined in § 120.21) and defense services (as defined in § 120.8) directly related to the defense articles enumerated in paragraphs (a) through (f) of this category. (See § 125.4 for exceptions.) Technical data directly related to the manufacture or production of any defense articles enumerated elsewhere in this category that are designated as Significant Military Equipment (SME) shall itself be designated SME. In addition, detailed design, development, production or manufacturing data for all spacecraft systems and specifically designed or modified components thereof, regardless of which U.S. Government agency has jurisdiction for export of the hardware. (See § 125.4 for exceptions.) This restriction does not include that level of technical data (including marketing data) necessary and reasonable for a purchaser to have assurance that a U.S.-built item intended to operate in space has been designed, manufactured and tested in conformance with specified contract requirements (e.g., operational performance, reliability, lifetime, product quality, or delivery expectations), as well as data necessary at evaluate in-orbit anomalies and to operate and maintain associated ground equipment.

* * * * *

Dated: November 30, 1992.

**R. Rand Beers,**

*Deputy Assistant Secretary of State, Bureau of Politico-Military Affairs.*

[FR Doc. 92–31366 Filed 12–24–92; 8:45 am]

BILLING CODE 4710–25–M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 61 and 69

**[CC Docket No. 91–213; FCC 92–442]**

### Transport Rate Structure and Pricing

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; correction.

**SUMMARY:** The FCC inadvertently did not publish in the **Federal Register** a certification statement required by the Regulatory Flexibility Act. The FCC has determined that the Regulatory Flexibility Act does not apply to the proposed rules in CC Docket No. 91–213, Transport Rate Structure and Pricing, FCC 92–442, which appeared in the **Federal Register** on November 17, 1992 (57 FR 54205), because, if promulgated, these rules would not have a significant economic impact on a substantial number of small business entities, as defined by section 601(3) of the Federal Regulatory Act. For this reason, the FCC did not prepare an initial Regulatory Flexibility Act analysis.

**FOR FURTHER INFORMATION CONTACT:** Melissa Newman, (202) 632–9342.

**SUPPLEMENTARY INFORMATION:** This notice corrects the FCC's Further Notice of Proposed Rulemaking, CC Docket No. 91–213, FCC 92–442, adopted September 17, 1992, and released October 16, 1992, which appeared in the **Federal Register** on November 17, 1992 (57 FR 54205), FR Doc. 92–27747, by adding a certification statement that the Regulatory Flexibility Act does not apply to this rulemaking.

The following correction is made in CC Docket No. 91–213, Transport Rate Structure and Pricing, FCC 92–442, which was published in the **Federal Register** on November 17, 1992 (57 FR 54205):

1. After the first full paragraph in the third column on page 54207, the following should be inserted:

**Regulatory Flexibility Act**

We certify that the Regulatory Flexibility Act of 1980 does not apply to this rulemaking proceeding because the proposed rules, if adopted, would not have a significant economic impact on a substantial number of small business entities, as defined by section 601(3) of the Regulatory Flexibility Act. Carriers providing interstate transport services directly subject to the proposed rule amendment do not quality as small businesses since they are dominant in their field of operation. The Commission will, however, take appropriate steps to ensure that the special circumstances of the smaller LECs are carefully considered in resolving those issues. The Secretary shall send a copy of this Notice of Proposed Rulemaking, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1980).

Federal Communications Commission.

**Donna R. Searcy,**

*Secretary.*

[FR Doc. 92–31349 Filed 12–24–92; 8:45 am]

BILLING CODE 6712–01–M

### 47 CFR Part 73

**[MM Docket No. 87–268, DA 92–1714]**

### Broadcast Service; Advanced Television Systems

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** This action, in response to a request to extend comment period filed by The Association of America's Public Television Stations, the Corporation for Public Broadcasting and the Public Broadcasting Service, extends the deadline for submitting comments and reply comments in the Third Further Notice of Proposed Rule Making portion of the Memorandum Opinion and Order/Third Report and Order/Third Further Notice of Proposed Rule Making in the above-cited docket (57 FR 53679, November 12, 1992, FR Doc. 92–27348). The Third Further Notice of Proposed Rule Making segment of that decision solicited comment on issues fundamental to the implementation of advanced television service in this