

amends 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 removing amendment 39-8161 (57 FR 3006, January 27, 1992), and by adding a new airworthiness directive (AD), amendment 39-8279, to read as follows:

92-13-09. Canadair, Ltd.: Amendment 39-8279. Docket 92-NM-33-AD. Supersedes AD 92-03-06, Amendment 39-8161.

Applicability: Model CL-600-1A11 series airplanes, serial numbers 1004 to 1085, except serial number 1037; Model CL-600-2A12 series airplanes, serial numbers 3001 to 3066; and Model CL-600-2B16 series airplanes, serial numbers 5001 to 5049; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent severe damage to an airplane in the event of an engine fire, accomplish the following:

(a) Within 30 days after February 11, 1992 (the effective date of AD 92-03-06, Amendment 39-8161), accomplish the following:

(1) For Model CL-600-1A11 series airplanes: Perform an inspection for potential crossed wiring in the engine fire extinguishing system, and inspect the electrical connectors for unlocked or inoperative pins, in accordance with Canadair Alert Service Bulletin A600-0581, dated September 8, 1989.

(2) For Model CL-600-2A12 and CL-600-2B16 series airplanes: Perform an inspection for potential crossed wiring in both the engine fire detection and warning system and the engine fire extinguishing system, and inspect the electrical connectors for unlocked or inoperative pins, in accordance with Canadair Alert Service Bulletin A601-0309, dated September 8, 1989.

(b) If any wiring discrepancies are detected as a result of the inspections required by paragraph (a) of this AD, prior to further flight, correct the discrepancies and replace any discrepant electrical connectors found, in accordance with Canadair Alert Service Bulletin A600-0581, dated September 8, 1989 (for Model CL-600-1A11 series airplanes); or Canadair Alert Service Bulletin A601-0309, dated September 8, 1989 (for Model CL-600-2A12 and CL-600-2B16 series airplanes); as applicable.

(c) Within 120 days after the effective date of this AD, or the next time the fire bottles are removed from the airplane, whichever occurs first, modify the engine fire extinguishing warning harnesses and perform a functional test, in accordance with Canadair Alert Service Bulletin A600-0581, dated September 8, 1989 (for Model CL-600-1A11 series airplanes); or Canadair Alert

Service Bulletin A601-0309, dated September 8, 1989 (for Model CL-600-2A12 and CL-600-2B16 series airplanes); as applicable.

(d) 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, New York Aircraft Certification Office (ACO), ANE-170, FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(e) 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.

(f) The inspection and modification shall be done in accordance with Canadair Alert Service Bulletin A600-0581, dated September 8, 1991 (for Model CL-600-1A11 series airplanes); or Canadair Alert Service Bulletin A601-0309, dated September 8, 1989 (for Model CL-600-2A12 and CL-600-2B16 series airplanes); as applicable. This incorporation by reference was approved previously by the Director of the Federal Register as of February 11, 1992 (57 FR 3006, January 27, 1992). Copies may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station A, Montreal, Quebec H3C 3G9, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(g) This amendment becomes effective on July 23, 1992.

Issued in Renton, Washington, on June 3, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-14287 Filed 6-17-92; 8:45 am]

VILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 91-ASO-15]

Alteration of VOR Federal Airway V-157

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of Federal Airway V-157 located in the States of North Carolina and South Carolina. The airway's continuity is interrupted by a 130-mile gap between Florence, SC, and Kinston, NC. This action connects the airway

south of Florence, SC, with the continuation of the airway north of Kinston, NC, by extending V-157 over that 130-mile segment. Elimination of this gap will improve flight planning.

EFFECTIVE DATE: 0901 u.t.c., August 20, 1992

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

SUPPLEMENTARY INFORMATION:

History

On September 17, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the description of V-157 located in the States of North Carolina and South Carolina (56 FR 47038). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The only comment received came from the Department of the Air Force which commented that the airway alteration would increase the traffic flow in the vicinity of the Echo Military Operations Area between Fayetteville and Kinston, NC. The FAA does not believe that the alteration of V-157 will interfere with any military operations, because instrument flight operations are not permitted to penetrate military operations areas when they are being utilized by military training aircraft. Furthermore, an airway, V-54, already exists along the route over which V-157 will be extended. Except for editorial changes, this amendment is the same as that proposed in the notice. VOR Federal airways are published in § 71.123 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The amended designation of the airway listed in this document will be published subsequently in § 71.123 of the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations alters the description of V-157 located in the States of North Carolina and South Carolina. Federal Airway V-157, which extends from Key West, FL, to Albany, NY, had a 130-mile gap between Florence, SC, and Kinston, NC, prior to

this Final rule. This action improves flight planning by eliminating the gap.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways, Incorporation by reference.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9585, 3 CFR 1959-1963 Comp., p. 389; 49 U.S.C. 106(g) 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.123 Domestic VOR Federal Airways

V-157 [Revised]

From Key West, FL; Miami, FL; INT Miami 337° and La Belle, FL, 124° radials, La Belle; Lakeland, FL; Ocala, FL; Gainesville, FL; Taylor, FL; Waycross, GA; Alma, GA; Allendale, SC; Vance, SC; Florence, SC; Fayetteville, NC; Kinston, NC; Tar River, NC; Lawrenceville, VA; Richmond, VA; INT Richmond 039° and Patuxent, MD, 228° radials; Patuxent; Kenton, DE; Woodstown, NJ; Robbinsville, NJ; INT Robbinsville 044° and La Guardia, NY, 213° radials; La Guardia; INT La Guardia 032° and Deer Park, NY, 326° radials; INT Deer Park 326° and Kingston, NY, 191° radials; Kingston, NY; to Albany, NY. The airspace within R-2901A and R-6602A is excluded. The airspace at and above 7,000 feet MSL which lies within the Lake Placid MOA is excluded during the time the Lake Placid MOA is activated. The airspace within R-4005 and R-4006 is excluded.

Issued in Washington, DC, on June 10, 1992.

Harold W. Becker,
Manager, Airspace-Rules and Aeronautical
Information Division.

[FR Doc. 92-14341 Filed 6-17-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 141

[T.D. 92-58]

RIN 1515-A505

Priority Status in Bankruptcy Proceedings

AGENCY: U.S. Customs Service,
Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide that to the extent that a broker or a surety pays duties on behalf of an importer which files for bankruptcy protection, the broker or surety shall be entitled to assume the priority status of Customs under section 507(a)(7) of the Bankruptcy Code for that portion of the duties which the broker or surety has paid. The assignment of this priority status will minimize the risk incurred by a broker or a surety in assuming liability for duties and thus encourage early payment of duties to Customs.

EFFECTIVE DATE: July 20, 1992.

FOR FURTHER INFORMATION CONTACT: John Lehman, Office of Chief Counsel (202) 566-5476.

SUPPLEMENTARY INFORMATION:

Background

The Bankruptcy Code provides in 11 U.S.C. 507(a)(7) for seventh priority status in a bankruptcy proceeding for allowed unsecured claims of governmental units. Priority status of claims by Customs for duties arising out of the importation of merchandise prior to the filing of bankruptcy are specifically provided for in three instances: (1) Merchandise is entered for consumption within one year before the date of the filing of the petition; (2) merchandise covered by an entry liquidated or reliquidated within one year before the date of the filing of the petition; (3) merchandise entered for consumption within four years before the date of the filing of the petition, but unliquidated on that date where the failure to liquidate was due to a pending investigation or need for information. 11 U.S.C. 507(a)(7). Such claims are given seventh priority along with

governmental claims for taxes for income or gross receipts, property tax, withholding tax, and excise tax generally assessed one year prior to the filing of the bankruptcy petition.

Presently, brokers or sureties which pay Customs duties on behalf of an importer which files for bankruptcy protection are relegated to the status of unsecured creditor. On March 6, 1991, Customs published a Notice of Proposed Rulemaking in the Federal Register (56 FR 9311), which announced a proposal to amend the Customs Regulations in such a way that a broker or surety which had paid Customs duties on behalf of an importer who then declared bankruptcy would be assigned the priority status conferred by section 507(a)(7) of the Bankruptcy Code upon Customs for unsecured claims for duties.

Analysis of Comments

In response to a request for comments on the proposed amendment, Customs received numerous replies. The vast majority were limited to simple expressions of support for the proposal and did not address any particular aspect of the proposal. However, some did raise specific points which are addressed below.

Comment: Two commenters expressed concern that section 507(d) of the Bankruptcy Code would preclude Customs from allowing a broker or surety to assert Customs priority in a bankruptcy action.

Response: The Bankruptcy Code provides in section 507(d) that an entity that is subrogated to the rights of a holder of a claim of a kind specified in subsection (a)(6) (subsequently changed to (a)(7) in Public L. No. 98-353, but not so reflected in section 507(a)) is not subrogated to the right of the holder of such a claim to priority under such subsection. Indeed, this language would preclude assertion of priority status by any entity other than Customs under a theory of subrogation.

In this amendment, Customs is not attempting to use the theory of subrogation to enable brokers and sureties to assert its priority. Instead, Customs is assigning its priority rights in any bankruptcy action to brokers and sureties to the extent that the broker or surety has paid the duties that were due on the imported merchandise. By stating that this is an assignment of rights in the amendment, Customs intends to preclude possible questions of agency intent in the future.

Comment: One commenter suggested that the wording of the amendment be changed to cover other expenses incurred by brokers and sureties.

Response: Customs does not believe that it would be possible to assign anything more than duties paid by brokers or sureties. The reason for this is that the priority provisions applicable to a claim of Customs under the Bankruptcy Code only cover the payment of duties. Because Customs has not received priority rights in other obligations of the bankrupt, it cannot assign them to anyone.

Comment: One commenter asked whether a broker or surety would be entitled to priority status even if Customs was not owed any money by the importer at the time of the bankruptcy filing. This situation could arise where the broker or surety pays an amount owed as duties on behalf of an importer who subsequently files for bankruptcy.

Response: This comment raises the question about the ability of Customs to assign a claim which has been satisfied by the broker or surety. Under the Bankruptcy Code, Customs has a priority status for unpaid duties. If those duties have been paid by another party, can the claim for that obligation be assigned to another party? Customs believes that question can be answered affirmatively. Even if another party pays duties which are owed by an importer, the importer is still primarily responsible for payment of those duties. The language as set forth in the amendment states that the priority which is assigned to the broker or surety is the priority for the duties owed. Since the importer is liable for the duties until it pays them, the fact that the broker or surety advanced a similar amount to Customs should not defeat the assignment of the importer's obligation in the event of a bankruptcy filing by the importer.

Comment: Some comments expressed concern that the background statement of the proposal contained the language to the effect that in paying the duties for the importer, the broker or surety was "assuming liability" for the duties of the importer. The comments stated that it would not be fair for Customs to hold a broker liable for any of the importer's liabilities.

Response: Customs agrees. The use of the phrase "assuming liability" referred only to the fact that by paying the duties on behalf of the importer, the broker or surety has assumed that liability of the importer, and not that Customs would hold the broker or surety liable for any debt owed by the importer. The only situations in which Customs would hold a broker liable for duties would be when the entry is made by the broker as importer of record.

Comment: A commenter expressed confusion over the use of the phrase "on

a pro rata basis" in the proposed change to § 141.1(c), and asked for a clarification.

Response: Customs agrees that there might be some question in the future over the construction of that phrase and the phrase "pro rata" might be confusing to some readers. Customs intent is to permit brokers or sureties to be able to avail themselves of the priority Customs has under the Bankruptcy Code only to the extent that the broker or surety has voluntarily paid the duties owed by the importer. Accordingly, the language of the amendment will be changed to clearly state that the priority which Customs is assigning is a priority for that portion of Customs claim which the broker or surety has paid.

Comment: One commenter suggested that, because the Bankruptcy Code is a creature of Congress, rather than amending its regulations, Customs should attempt to have Congress amend the Code to expressly grant brokers or sureties the priority Customs will be assigning them.

Response: Customs agrees that legislative action would be the best means of achieving the desired objective. Should the brokers and sureties feel that this regulatory action will be ineffectual, Customs encourages them to pursue legislative alternatives.

Determination

After consideration of all the comments received in response to the Notice of Proposed Rulemaking, and further review of the matter, it has been determined to adopt the regulations in final form with the modifications discussed.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendment will not have a significant impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 or 604.

Executive Order 12291

Because this document does not result in a "major rule" as defined by Executive Order 12291, the regulatory analysis and review prescribed by the Executive Order is not required.

Drafting Information

The principal author of this document was Peter T. Lynch, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 141

Customs duties and inspection;
Imports.

Amendment to the Regulations

Part 141 Customs Regulations (19 CFR part 141) is amended as set forth below:

PART 141—ENTRY OF MERCHANDISE

1. The authority citation for part 141 is revised in part to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624.

Section 141.1 also issued under 11 U.S.C. 507(a)(7)(F), 31 U.S.C. 191, 192;

2. In § 141.1, paragraph (c) is revised to read as follows:

§ 141.1. Liability of importer for duties.

(c) *Claim against estate of importer.* The claim of the Government for unpaid duties against the estate of a deceased or insolvent importer has priority over obligations to creditors other than the United States. To the extent that a broker or a surety pays duties on behalf of an importer which files for bankruptcy protection, the broker or surety shall be entitled to assume the priority status of Customs under section 507(a)(7) of the Bankruptcy Code for that portion of Customs claim which the surety or broker has paid.

Dated: May 13, 1992.

Carol Hallett,

Commissioner of Customs.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 92-14373 Filed 6-17-92; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-225D]

Occupational Exposure to Formaldehyde

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.
ACTION: Final rule; corrections.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is correcting errors that appeared in the final rule on occupational exposure to formaldehyde which was published on May 27, 1992 (57 FR 22290).

EFFECTIVE DATE: June 28, 1992.

FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, room N-3647, 200 Constitution Avenue NW., Washington, DC 20010. Telephone: (202) 523-8151.

SUPPLEMENTARY INFORMATION:**Background**

On May 27, 1992, the Occupational Safety and Health Administration amended its standard on occupational exposure to formaldehyde. The amendments lowered the permissible exposure limit for formaldehyde from 1 part per million (ppm) to 0.75 ppm, measured as an 8-hour time-weighted average (TWA). The amendments also added medical removal protection provisions for employees suffering from certain adverse effects from formaldehyde exposure. In addition, changes were made to the standard's hazard communication and employee training provisions.

Need for Corrections

In addition to the amendments and revisions mentioned above, for the convenience of the public, OSHA republished the entire formaldehyde standard as revised. However, during the process of preparing the document for republication, certain information was inadvertently omitted or not revised in accordance with the amended standard. This notice amends the standard to correct the omissions and make the necessary technical revision.

Correction of Publication

Accordingly, the publication on May 27, 1992 of the final rule on occupational exposure to formaldehyde which appeared at 57 FR 22290 is corrected as follows:

§ 1910.1048 [Corrected]

1. On page 22307, third column, in instruction paragraph 2., the following instruction is added after the seventh line: "and the OMB control number for the section is added".

2. On page 22309, third column, the OMB control number for § 1910.1048 is added at the end of the column to read as follows:

(Approved by the Office of Management and Budget under control number 1218-0145)

3. On page 22316, first column, the OMB control number for § 1910.1048 is added preceding Appendix A to read as follows:

(Approved by the Office of Management and Budget under control number 1218-0145)

4. On page 22316, first column, on the line next to the end of the column, for

OSHA TWA, "1 ppm" is corrected to read "0.75 ppm".

This document was prepared under the direction of Dorothy L. Strunk, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, D.C. this 12th Day of June, 1992.

Dorothy L. Strunk,

Acting Assistant Secretary of Labor.

[FR Doc. 92-14236 Filed 6-17-92; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 100, 110, and 165**

[CGD1 91-165]

Temporary Regulations, Boston Harbor, July 4-16, 1992

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary regulations in Boston Harbor for port activities associated with Boston Harborfest and Sail Boston 1992 occurring July 4-16, 1992. This document contains the temporary regulations necessary to conduct these activities in a safe and orderly manner and includes: regulated areas with special local regulations for minimum wake zones and for a two-day offshore sailing regatta; anchorage regulations for the tall ship parade and departure; and safety zone regulations for the CONSTITUTION Turnaround, a fireworks display, a tall ship rally, parade, and departure, and the restart of the Grand Regatta. These temporary regulations are issued to promote the safe navigation of vessels in Boston Harbor in anticipation of the significant increase to the volume of vessel traffic expected to attend these celebrations by controlling vessel activity in the harbor during major waterside events and by limiting access to the areas where participating vessels are operating, anchored, or moored.

DATES: These rules are effective as listed below:

33 CFR 100.T01-165-1 (Regulated Area, Hull Gut/Boston Main Channel), from 8 a.m. July 9, 1992 to 4 p.m. July 16, 1992.

33 CFR 100.T01-165-2 (Regulated Area, Challenge Cup Sailboat Racing Regatta), from 9 a.m. to 3 p.m. July 13, 1992; from 9 a.m. to 3 p.m. July 14,

1992; and from 9 a.m. to 3 p.m. July 15, 1992 (rain date).

33 CFR 110.134 (Temporary Anchorage Regulations, Boston Harbor Mass.), from 2 p.m., July 4, 1992 to 6 p.m. July 16, 1992.

33 CFR 165.T01-165-4 (Safety Zone, CONSTITUTION Turnaround), from 10 a.m., July 4, 1992 to 2 p.m. July 4, 1992 and from 10 a.m., July 5, 1992 to 2 p.m. July 5, 1992 (rain date).

33 CFR 165.T01-165-6 (Safety Zone, Tall Ship Rally), from 10 a.m., July 10, 1992 to 12 noon, July 10, 1992.

33 CFR 165.T01-165-7 (Safety Zone, Grand Parade of Sail), from 6 a.m., July 11, 1992 to 8 p.m. July 11, 1992.

33 CFR 165.T01-165-8 (Safety Zone, Reserved Channel), from 4:30 p.m., July 11, 1992 to 9:30 a.m. July 16, 1992.

33 CFR 165.T01-165-9 (Safety Zone, Fireworks Extravaganza), from 5:30 p.m. July 12, 1992 to 11 p.m. July 12, 1992 and from 5:30 p.m. July 15, 1992 to 11 p.m., July 15, 1992 (rain date).

33 CFR 165.T01-165-11 (Safety Zone, Farewell Departure), from 8 a.m., July 16, 1992 to 6 p.m. July 16, 1992.

33 CFR 165.T01-165-12 (Safety Zone, Grand Regatta Restart), from 11:30 a.m., July 16, 1992 to 6 p.m., July 16, 1992.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander S. Garrity, Marine Safety Officer Boston, (617) 223-3020.

SUPPLEMENTARY INFORMATION:**Drafting Information**

The principal persons involved in drafting this document are LCDR S. Garrity, Project Officer, Marine Safety Office Boston, and LCDR J. Astley, Project Counsel, First Coast Guard District Legal Office.

Regulatory History

On April 9, 1992, the Coast Guard published a Notice of Proposed Rulemaking entitled, "Temporary Regulations, Boston Harbor, July 2-17, 1992." The Coast Guard received two letters commenting on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

At the request of the organizers as contained in applications for marine events associated with Harborfest and Sail Boston 1992, the Coast Guard is establishing temporary regulations in Boston Harbor for the period of July 4-16, 1992. These regulations are prompted by the high degree of control necessary to ensure the safety of participating and spectator vessels for the major