expected to be minimal. The Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this regulation and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B, it is an action under the Coast Guard's statutory authority to protect public safety, and thus this regulation is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

1. The authority citation for part 165 continues to read as follows:

PART 165—[AMENDED]

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5, 49 CFR 1.46.

2. A temporary section, 165.T0154 is added to read as follows:

§ 165.T0154 Heritage of Pride Fireworks.

(a) *Location.* The safety zone will include all waters within a 300 yard radius of a point of 40°43'55"N latitude 074°01'04"W longitude in the vicinity of Manhatten's pier 42 in the Lower Hudson River, New York and New Jersey.

(b) *Effective period.* This regulation will be effective from 9 p.m. through 11 p.m. on June 28, 1992.

(c) *Regulations.* (1) No person or vessel may enter, transit, or remain in the safety zone during the effective period of regulation unless participating in the event as authorized by the U.S. Coast Guard Captain of the Port (COTP), New York. The COTP will attempt to minimize any delays for commercial vessels transiting the area and will monitor channel 16 VHF–FM.

(2) All persons and vessels shall comply with the instructions of the COTP NY or the designated on scene personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed.

Dated: June 10, 1992.

R.M. Larrabee,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 92–14613 Filed 6–19–92; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF EDUCATION

34 CFR Parts 97, 222, 298, 301, 303, 304, 305, 307, 309, 315, 316, 318, 319, 320, 324, 325, 326, 327, 328, 330, 331, 332, 333, 338, 347, 350, 356, 361, 445, 600, 642, 643, 644, 645, 646, 652, 668, 682, 690, 722, 770, and 791

Announcement of Effective Dates

AGENCY: Department of Education.

ACTION: Notice of effective dates.

SUMMARY: Section 431(d) of the General Education Provisions Act requires that most Department of Education regulatory documents be published in the **Federal Register** for forty-five (45) calendar days, or longer if Congress takes certain adjournments, before they take effect. Since future congressional adjournments cannot be predicted with certainty when a document is published, the Department cannot announce a specific effective date at the time of publication. This notice announces the effective dates for certain regulatory documents subject to the delayed effective date requirement of section 431(d).

DATES: For effective dates, see **"SUPPLEMENTARY INFORMATION."**

FOR FURTHER INFORMATION CONTACT: Kenneth C. Depew, U.S. Department of Education, 400 Maryland Avenue, SW., room 2131 FOB–6, Washington, DC 20202–2241. Telephone: (202) 401–2887. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: The effective date provision for each of the regulatory documents included in this notice stated that the effective date would be announced in a notice published in the **Federal Register**. Accordingly, this notice announces the following effective dates:

1. 34 CFR part 445, final regulations for the Technology Education Demonstration Program, published May 2, 1991 (56 FR 20308).

DATES: *Effective date:* June 16, 1991.

2. 34 CFR part 222, final regulations for Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education for Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education, published May 20, 1991 (56 FR 23172).

DATES: *Effective date:* July 17, 1991.

3. 34 CFR parts 97, 350, and 356, final regulations for Protection of Human Subjects, published June 18, 1991 (56 FR 28003).

DATES: *Effective date:* August 19, 1991.

4. 34 CFR part 361, final regulations for the State Vocational Rehabilitation Services Program, published July 18, 1991 (56 FR 33148).

DATES: *Effective date:* September 2, 1991.

5. 34 CFR Parts 668 and 682, final regulations for the Student Assistance General Provisions and Guaranteed Student Loan Programs, published July 19, 1991 (56 FR 33332).

DATES: *Effective date:* September 2, 1991.

6. 34 CFR parts 600 and 668, final regulations for Institutional Eligibility and Student Assistance General Provisions, published July 31, 1991 (56 FR 36682).

DATES: *Effective date:* September 14, 1991.

7. 34 CFR part 347, final regulations for Training and Public Awareness

Projects of National Significance in Technology-Related Assistance for Individuals with Disabilities, published August 13, 1991 (56 FR 40194).

DATES: *Effective date:* September 27, 1991.

8. 34 CFR part 682, final regulations for the Guaranteed Student Loan and PLUS Programs, published September 26, 1991 (56 FR 48990).

DATES: *Effective date:* November 10, 1991.

9. 34 CFR part 307, final regulations for the Services for Children with Deaf-Blindness Program, published October 11, 1991 (56 FR 51582).

DATES: *Effective date:* November 25, 1991.

10. 34 CFR parts 301, 303, 304, 305, 309, 315, 316, 319, 320, 324, 326, 327, 330, 331, 332, 333, and 338, final regulations for the Office of Special Education and Rehabilitative Services, published October 22, 1991 (56 FR 54686).

DATES: *Effective date:* December 28, 1991.

11. 34 CFR part 328, final regulations for the Program for Children and Youth with Serious Emotional Disturbance, published November 4, 1991 (56 FR 56456).

DATES: *Effective date:* December 28, 1991.

12. 34 CFR part 690, final regulations for the Pell Grant Program, published November 6, 1991 (56 FR 56912).

DATES: *Effective date:* December 28, 1991.

13. 34 CFR part 318, final regulations for Training Personnel for the Education of Individuals with Disabilities—Grants for Personnel Training, published November 7, 1991 (56 FR 57198).

DATES: *Effective date:* December 28, 1991.

14. 34 CFR part 668, final regulations for the Student Assistance General Provisions, published December 2, 1991 (56 FR 61330).

DATES: *Effective date:* January 16, 1992.

15. 34 CFR part 325, final regulations for State Systems for Transition Services for Youth with Disabilities, published December 20, 1991 (56 FR 66290).

DATES: *Effective date:* February 3, 1992.

16. 34 CFR part 668, final regulations for the Student Assistance General Provisions, published December 23, 1991 (56 FR 66494).

DATES: *Effective date:* February 6, 1992.

17. 34 CFR part 298, final regulations for Federal, State, and Local Partnership for Educational Improvement, published January 10, 1992 (57 FR 1208).

DATES: *Effective date:* February 27, 1992.

18.–19. 34 CFR part 791, final regulations for the Javits Gifted and Talented Students Education Grant Program, published March 13, 1992 (57 FR 8996).

DATES: *Effective date:* May 6, 1992.

20. 34 CFR parts 642, 643, 644, 645, 646, and 668, final regulations for the Training Program for Special Programs Staff and Leadership Personnel, Talent Search, Educational Opportunity Centers, Upward Bound, and Student Support Services Programs, and Student Assistance General Provisions, published March 13, 1992 (57 FR 9004).

DATES: *Effective date:* May 6, 1992.

21. 34 CFR part 770, final regulations for the Library Services and Construction Act—State-Administered Program, published March 17, 1992 (57 FR 9350).

DATES: *Effective date:* May 6, 1992.

22. 34 CFR part 652, final regulations for the National Science Scholars Program, published March 27, 1992 (57 FR 10724).

DATES: *Effective date:* May 11, 1992.

23. 34 CFR part 222, final regulations for Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education, published April 10, 1992 (57 FR 12463).

DATES: *Effective date:* June 10, 1992.

24. 34 CFR part 722, final regulations for the Educational Partnerships Program, published April 23, 1992 (57 FR 14960).

DATES: *Effective date:* June 10, 1992.

(20 U.S.C. 1232(d))

Dated: June 15, 1992.

Jeffrey C. Martin,

General Counsel.

[FR Doc. 92–14537 Filed 6–19–92; 8:45 am]

BILLING CODE 4000–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 91–33; FCC 92–206]

Petitions for Rule Making Concerning Proposed Changes to the Commission's Cellular Resale Policies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission adopted a limited exception to its cellular resale policy to allow a facilities-based cellular carrier to deny resale capacity to its facilities-based competitor after that competitor's five-year fill in period has expired. Under the current cellular resale policy, facilities-based carriers in each market are required to provide resale capacity to all, including the second carrier in the same market. This policy offsets any headstart competitive advantage of the first carrier to be granted a construction authorization. However, once the second carrier is fully operational, the rationale for prohibiting resale restrictions between facilities-based carriers ceases to exist. At the end of the five-year fill-in period, a carrier requesting resale capacity from its competitor will have had an opportunity to build out its system and become fully operational. This action is necessary to eliminate unnecessary regulations and to ensure maximum competition between the two facilities-based cellular carriers in each market. The Commission also denied an application for review of a Common Carrier Bureau order, 6 FCC Rcd 4827 (Com. Car. Bur. 1991), denying a motion for stay pending judicial review of the requirement that resale capacity be provided on a nondiscriminatory basis.

EFFECTIVE DATE: July 22, 1992.

FOR FURTHER INFORMATION CONTACT: Dan Abeyta, Mobile Services Division, Common Carrier Bureau ((202) 632–6450).

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in CC Docket No. 91–33, adopted May 14, 1992, and released June 8, 1992. The full texts of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1114 21st Street, NW., Washington, DC 20036.

Paperwork Reduction

This rule has been found to impose no new or modified reporting burdens on the public.

Final Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. section 605(b), it is certified that the final rule does not have a significant economic impact on a substantial number of small entities because, in most cases carriers will be economically motivated to begin all sales from their own facilities as early as possible and to resell their

competitor's service only as an interim measure.

Summary of Report and Order

In the Notice of Proposed Rulemaking and Order (Cellular Resale NPRM/Order), 6 FCC Rcd 1719 (1991), 56 FR 16049 (April 19, 1991) the Commission sought comments on whether it should no longer require a facilities-based carrier to provide resale capacity to its facilities-based competitor in the same market after that competitor is fully operational. The Commission also tentatively concluded that the most appropriate time to cease the competitor resale requirement should be when the five-year fill-in period ends for the facilities-based carrier that is seeking to resell its competitor's capacity.

In response to the Cellular Resale NPRM/Order, the commenting parties distinguished between whether a facilities-based carrier should be required to provide resale capacity to a fully operational facilities-based competitor and, for purposes of terminating competitor resale, when should a facilities-based carrier be considered fully operational.

With respect to the provision of resale capacity to a facilities-based carrier, most of the parties agree that maintaining the resale requirement until both carriers are fully operational helps offset any headstart competitive advantage of the first carrier to be granted a construction authorization. They also generally agree that once the second carrier is fully operational, the rationale for prohibiting resale restrictions ceases to exist. The record also supports a finding that terminating the competitor resale requirement once a facilities-based carrier is fully operational promotes the Commission's goals of stimulating maximum competition between the two carriers in each market, expedites the expansion of both licensee's coverage areas, and spurs the deployment of spectrum-efficient technology. The Report and Order therefore adopts rules to allow a carrier to apply resale restrictions to a fully operational facilities-based competitor.

Also, consistent with our proposal in the Cellular Resale NPRM/Order, the record, on balance, leads to the conclusion that the most appropriate time to cease the competitor resale requirement should be at the end of the second carrier's five year fill-in period. At that time, the second carriers should have had sufficient opportunity to build out its system, while at the same time establishing a date certain for terminating competitor resale. The Report and Order therefore adopts the end of the five year fill-in period as the point for terminating mandatory resale to a facilities-based competitor.

Finally, the Report and Order dismissed an application for review of a Common Carrier Bureau Order denying a motion for stay of the Notice in this proceeding insofar as the Commission clarified the nondiscrimination provisions of the resale requirement.

Ordering Clauses

Accordingly, *it is ordered*, Pursuant to sections 1 4(i), 4(j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. sections 151, 154(i), and 154(j) and 303(r), that part 22 is amended as set forth below, effective 30 days after publication in the **Federal Register** (July 22, 1992).

List of Subjects in 47 CFR Part 22

Domestic public cellular radio telecommunications service, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

Title 47, part 22 of the Code of Federal Regulations is amended as follows:

PART 22—PUBLIC MOBILE SERVICE

1. The authority citation for part 22 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1083, as amended: 47 U.S.C. 154, 303.

2. Section 22.914 is revised in its entirety to read as follows:

§ 22.914 Provision of resale capacity and cellular service to subscribers.

(a) A cellular system licensee shall permit unrestricted resale of its service, except that the licensee may apply resale restrictions to the other licensee authorized to provide cellular service in the same market after the five year fill-in period (see §§ 22.31(f) and 22.31(g)) for the licensee requesting resale has expired. The "same market" as used in this section shall mean the Metropolitan Statistical Area (MSA) or Rural Service Area (RSA) for which the licensee was initially granted a construction permit.

(b) Subscriptions to mobile service shall be afforded to the public within the licensee's Cellular Geographic Service Area in chronological order of filing a request for service, except under emergency conditions. Prospective subscribers shall be informed of the area in which reliable service can be expected. If a licensee turns away a request for service due to lack of capacity it shall report that fact to the Commission and indicate how and when it plans to remedy its lack of capacity.

[FR Doc. 92-14644 Filed 6-19-92; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Parts 73 and 76

[MM Docket 91-168; FCC 92-210]

Radio Broadcast and Television Broadcast Services, Cable Television Service; Codification of the Commission's Political Programming Policies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this Order the Commission is revising the rules on political programming policies for radio and television broadcast and cable television services that were addressed in the Report and Order released December 23, 1991, with the exception of the sponsorship identification requirements which were already addressed in the Memorandum Opinion and Order released February 14, 1992. In response to eleven petitions for reconsideration of the R&O the Commission reviewed the petitions and made clarifications to the existing rules. The intended effect of the rules is to ensure that broadcasters, candidates, advertising buyers and the public are fully apprised of the duties required by and rights accorded under the Communications Act with respect to political advertising.

EFFECTIVE DATE: July 22, 1992.

FOR FURTHER INFORMATION CONTACT: Milton O. Gross, Robert L. Baker, Marsha J. MacBride or Maureen A. O'Connell, Mass Media Bureau at (202) 632-7586, or Diane L. Hofbauer, Office of General Counsel at (202) 632-6990.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order in Codification of the Commission's Political Programming Policies, MM Docket No. 91-168. The item was adopted May 14, 1992 and released June 11, 1992. The full text of this ruling is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The full text of this item may also be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036 (202) 452-1422.

Summary of Memorandum Opinion and Order

I. Introduction and Background

1. In our Report and Order in this docket, released December 23, 1991 (57 FR 189, January 3, 1992; 7 FCC Rcd 678 (1992)), we issued detailed and comprehensive rules designed to ensure that broadcasters, candidates, advertising buyers and the public are fully apprised of the duties required by the rights accorded under the Communications Act with respect to political advertising. On February 3, 1992, the Commission received eleven Petitions for Reconsideration addressing various issues governed by the Report and Order. In response to issues raised in several of these petitions, on February 14, 1992 we released a Memorandum Opinion and Order (57 FR 8278, March 9, 1992; 7 FCC Rcd 1616 (1992)) reconsidering and revising our rules concerning compliance with the sponsorship identification requirements applicable to political broadcasting advertisements. By this action, we address the remaining issues raised in the petitions for reconsideration.

II. Reasonable Access

A. News Programming

2. The Notice of Proposed Rulemaking (NPRM) (56 FR 30526, July 3, 1991) in this proceeding requested comment on whether the Commission should retain its policy that permits broadcasters to refuse to air political advertisements during news programming. In our Report and Order (R&O) we determined that we should continue to allow broadcasters to forego the sale of political advertising during the news, finding that so long as a station makes available to federal candidates a wide array of dayparts and programs, access to news programming is not required to ensure "reasonable access." Moreover, licensees can decide to refuse political advertising in all news programming, during some news programs (i.e., during the 6 p.m. but not 11 p.m. news), or during any portion of a specific news program (i.e., during "hard news" but not weather or sports).

B. News Adjacencies

3. In the R&O we held that rates for specially created "news adjacencies" could not exceed the lowest unit rate charged to commercial advertisers who purchased time during the news. This MO&O clarifies, as requested by several petitioners, that stations are not required to create a separate class of "news adjacency" time if they choose not to do so. Further, stations must limit the rates charged for news adjacencies only if (a) they refuse political advertising during the news and (b) the news adjacency position is sold as a separate class of time.

4. NAB raised the claim that it is unfair to require that news adjacency rates be no higher than for spots sold during the news when the station has elected to preclude candidate access to spots airing during the news. We believe, however, that it would be unfair to permit broadcasters to preclude access to the news and to charge candidates higher rates for news adjacencies if such news adjacencies provide the only direct means for candidates to reach the news-viewing public.

C. Weekend Hours

5. In response to NAB and DLA petitions, we confirm that if a station has provided weekend access to any commercial advertiser during the year preceding an election period, but only for a limited purpose such as changing copy, then weekend access for candidates can be limited to the same purpose. In addition, in response to DLA's inquiry, we hold that stations may hold candidates to the same ordering deadlines as commercial advertisers so long as they do not conflict with a federal candidate's right to reasonable access or to any candidate's right to equal opportunities.

D. Access to Cable

6. In the R&O, we affirmed our earlier conclusion that the reasonable access requirement of section 312(a)(7) does not apply to cable. Thus, we agree with DLA that cable operators can restrict access to particular programs or channels and can determine what lengths of spots or program time candidates can purchase on cable channels. However, because section 315 does apply to cable operators, cable operators cannot limit the classes of time they will make available to candidates, to the extent that those classes of time have associated discount privileges.

III. Equal Opportunities

A. Definition of "Use"

7. We will continue to interpret section 315 "uses" as we did in the R&O to include only non-exempt candidate appearances that are "controlled, approved or sponsored by the candidate (or the candidate's authorized committee) after the candidate becomes legally qualified. Contrary to concerns raised by some commenters, this narrow definition will not encourage "collusion" between candidates and independent groups because FECA expressly requires that political advertising clearly state who pays for a political advertisement, and whether or not it was authorized by a candidate.

B. Bona Fide Newscast Exemption

8. The MO&O reaffirms the Commission's prior holding that the absence of complete licensee control over a newscast's production does not preclude the application of the statutory newscast exemption from equal opportunities.

IV. Lowest Unit Charge

A. Nondiscrimination Policies

9. The MO&O clarifies that stations remain under a duty to make advertising time available to candidates subject to the same rates, terms and conditions as it is made available to commercial advertisers. Since adoption of the R&O, we have become aware that, in revising our rules to update and codify our political broadcasting policies, we inadvertently deleted any specific reference to these policies that require stations to offer advertising time to candidates on an equal basis with commercial advertisers. Thus, in appendix B to this Order we have included revisions to the rules adopted on December 23, 1991 to correct this omission.

B. Classes of Immediately Preemptible Time

10. We reaffirm the conclusion that stations may establish more than one class of immediately preemptible time. At the request of several petitioners, we elaborated on the permissible factors a station can use to distinguish such separate classes. We stated that a station may not use price alone to differentiate classes of time because the LUC requirement would be defeated. Thus, for stations selling exclusively by auction, only one class of immediately preemptible time will be possible. A station may, however, differentiate immediately preemptible classes by pointing to a demonstrable benefit associated with a specified price level or range of prices for each immediately preemptible class, such as a projected lowered risk of preemption, increased scheduling flexibility or special make good guarantees.

C. Special Candidate Class of Time

11. The MO&O clarifies the specific nature of a permissible discounted class of candidate-only time. A station *may* offer a special discounted class of non-preemptible time to candidates only, even if that station does not sell non-preemptible time at all to commercial

advertisers, so long as (a) the station can show that a commercial advertiser buying preemptible time at that rate runs a genuine risk of preemption; (b) commercial advertisers cannot buy any preemptible class that, in reality, is the functional equivalent of the station "special" non-preemptible candidate-only class of time; and (c) the station discloses and offers all preemptible rates to candidates, and describes the likelihood of preemption for its preemptible rates.

D. Sold Out Time

12. We respond to CBS's request for clarification of the sold-out policy. Our policy is premised on the assumption that preemptible time is sold to all advertisers in an auction-like manner, with no established rate ceiling for preemptible time, whereby advertisers can continue to preempt each other simply by paying an incrementally higher price. In such a situation, it is not possible for preemptible time to be "sold out," and thus a station may not steer a candidate to buy higher-priced non-preemptible time by informing the candidate that preemptible time is sold out. The MO&O recognizes, however, that if a station sells preemptible time in some other manner, such as at a single flat rate that can only be preempted by a non-preemptible spot, it would be possible for the station to be sold out of preemptible time, and that under such circumstances it would be permissible for a station to inform a candidate that it is necessary to buy non-preemptible time in order to clear. Similarly, if a station offers one or more classes of immediately preemptible time with price ceilings established for each class, it would likewise be possible for the station to be sold out of one or more of such classes of immediately preemptible time.

E. Package Plans and Bonus Spots

13. The MO&O reaffirms the treatment of package plans adopted in the R&O. Under our new approach, package plans and bonus spots are considered volume discounts, and broadcasters must assign a value to all such spots to determine the LUC for each type of spot. The MO&O does, however, afford stations flexibility to record the value assigned to each spot in several ways: On the contract, on the invoice, or in a separate, internal document that is prepared contemporaneously with the formation of the contract and is signed and dated by an authorized representative of the station. In addition, the MO&O concludes that, while some package plans sold to commercial advertisers may include free public service announcements (PSAs), it is unnecessary and inappropriate to require stations to make PSAs available to candidates on the same basis because of the nature of PSAs. Instead, the MO&O requires stations to treat PSAs of a sufficient length as a bonus spot, assigning a value to the PSA which thus reduces the price allocated to other spots in the package for LUC purposes. Therefore, candidates still receive an LUC benefit from this commercial practice involving PSAs without forcing stations to provide additional coverage of a candidate in the form of a PSA.

F. Billboards, Sponsorships and Merchandising Incentives

14. The R&O required stations to offer noncash promotional incentives, such as prizes, mugs or trips, to candidates on the same basis as they are made available to commercial advertisers. The MO&O modifies the R&O to provide that noncash merchandising and promotional incentives need not be offered to candidates if they are either *de minimus* in value (such as coffee mugs or billboards), or may reasonably imply a relationship between the station and the advertiser (such as bumper stickers that identify the station and the advertiser), or the program and the advertiser (such as billboards or program sponsorships).

G. Make Goods

15. The MO&O reaffirmed the R&O's conclusion that timely make goods should be provided to candidates if the station has provided a time-sensitive make good to any commercial advertiser during the year preceding the election period. The MO&O modified this requirement, however, with respect to make goods that are given for audience underdelivery if pertinent audience information is not ascertainable until after the election, holding that this fact must be disclosed to candidates so they are able to negotiate an alternative to the audience underdelivery promise.

H. Weekly Rotations

16. The MO&O reaffirms the R&O's determination that "distinctly different rotations" may be treated separately for LUC purposes, and clarifies that the determination of whether rotations are distinctly different will be left to the reasonable, good faith judgment of the station, so long as they correspond to the station's normal business practices.

I. Fire Sale

17. We are persuaded by the petitioners that it is now appropriate to discontinue the fire sale policy. As stated in the R&O, the initial fire sale policy was adopted at a time when stations typically sold time on a nonpreemptible, fixed rate basis. Now, when rates change rapidly based on supply and demand, a soft market that would have prompted a fire sale in previous years would today be reflected in continuous pricing adjustments. Moreover, given the degree of inventory price fluctuation, it is impractical to establish a bright line test as to when a "fire sale" has occurred. We also agree with petitioners that, as a practical matter, elimination of the fire sale policy will have very little effect on the LUC for any given time period, because candidates who buy time which happens to clear in the same time period as a last minute sale of time at a lower rate will still be entitled to the lowest sale rate for the same class of time.

J. Disclosure Obligation

18. The MO&O reaffirms the R&O's holding that, given the complex nature of advertising sales practices, the precise method of fulfilling the station's disclosure obligation should be left to the discretion of the station, so long as disclosure includes the following minimum requirements previously articulated by the Commission:

(a) A description and definition of each class of time available to commercial advertisers which is complete enough to allow candidates to identify and understand what specific attributes differentiate each class;

(b) A complete description of the lowest unit charge and related privileges (such as priorities against preemption and time-sensitive make goods) for each class of time offered to commercial advertisers;

(c) A description of the station's method of selling preemptible time based on advertiser demand, commonly known as "the current selling level," with the stipulation that candidates will be able to purchase at these demand-generated rates in the same manner as commercial advertisers;

(d) An approximation of the likelihood of preemption for each kind of preemptible time; and

(e) An explanation of the station's sales practices, if any, that are based on audience delivery.

19. The MO&O also addressed specific questions related to disclosure, stating that: (1) Stations are required to disclose only their best estimate of the LUC for each class of time sold if it is not possible to ascertain the exact LUC until after the spot airs; and (2) If a station offers a special discounted non-preemptible rate to candidates, it must

nonetheless disclose the availability and characteristics of all other classes of time. The MO&O also amended the disclosure rule to incorporate the non-discrimination duty discussed under section IIIA, *supra*.

20. Finally, the MO&O stated that the disclosure obligation applies to comparable rates as well as to LUC rates. Because the disclosure rules are inherent in a broadcaster's duty to "make available" rates to candidates, we have determined that they apply to both LUC and comparable rates in order to fully inform candidates seeking to purchase advertising time.

V. Political File

21. The MO&O reaffirms the Commission's rule that the political file must contain all requests for time by candidates and their disposition. The station must determine whether a request for "availabilities," and any ensuing discussion, constitutes a "request for time" that must be noted in the file. The MO&O further states that, because advertising time can be purchased or ordered in a variety of ways, it is not possible for the Commission to articulate a definitive list of what must be contained in the file beyond the articulated guidelines. We are persuaded by the commenters, however, that stations need not be required to employ extraordinary efforts to place immediately in the political file information concerning the exact time that candidate spots aired. Instead, the station may place such information in the file pursuant to customary business practices, so long as the station advises candidates that, upon request, it will provide immediate assistance and access to its logs (or other definitive information) to candidates seeking precise air time information regarding their opponents.

Ordering Clauses

22. Accordingly, *It is ordered*, that the Petitions for Reconsideration are granted to the extent indicated herein, and are otherwise denied.

23. *It is further ordered* that, pursuant to authority contained in sections 312(a)(7), 315, 303(r) and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 312(a)(7), 315, 303(r), 154(i), the Commission's Rules are amended as set forth below, effective 30 days after date of publication in the **Federal Register**.

List of Subjects

47 CFR Part 73

Radio broadcasting, Television broadcasting.

47 CFR Part 76

Cable television, Political candidates.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

The rules adopted by the Commission in its December 23, 1992 **Report and Order** are hereby amended as follows:

Parts 73 and 76 of chapter I of title 47 of the Code of Federal Regulations are amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read:

Authority: 47 U.S.C. 154, 303.

2. Section 73.1940 is revised to read as follows:

§ 73.1940 Legally qualified candidates for public office.

(a) A legally qualified candidate for public office is any person who:

(1) Has publicly announced his or her intention to run for nomination or office;

(2) Is qualified under the applicable local, State or Federal law to hold the office for which he or she is a candidate; and

(3) Has met the qualifications set forth in either paragraph (b), (c), (d), or (e) of this section.

(b) A person seeking election to any public office including that of President or Vice President of the United States, or nomination for any public office except that of President or Vice President, by means of a primary, general or special election, shall be considered a legally qualified candidate if, in addition to meeting the criteria set forth in paragraph (a) of this section, that person:

(1) Has qualified for a place on the ballot; or

(2) Has publicly committed himself or herself to seeking election by the write-in method and is eligible under applicable law to be voted for by sticker, by writing in his or her name on the ballot or by other method, and makes a substantial showing that he or she is a bona fide candidate for nomination or office.

(c) A person seeking election to the office of President or Vice President of the United States shall, for the purposes of the Communications Act and the rules in 47 CFR chapter I, be considered legally qualified candidates only in those States or territories (or the District of Columbia) in which they have met the requirements set forth in paragraphs (a) and (b) of this section: Except, that any such person who has met the requirements set forth in paragraphs (a) and (b) of this section in at least 10 States (or 9 and the District of Columbia) shall be considered a legally qualified candidate for election in all States, territories, and the District of Columbia for the purposes of this Act.

(d) A person seeking nomination to any public office, except that of President or Vice President of the United States, by means of a convention, caucus or similar procedure, shall be considered a legally qualified candidate if, in addition to meeting the requirements set forth in paragraph (a) of this section, that person makes a substantial showing that he or she is a bona fide candidate for such nomination: Except, that no person shall be considered a legally qualified candidate for nomination by the means set forth in this paragraph prior to 90 days before the beginning of the convention, caucus or similar procedure in which he or she seeks nomination.

(e) A person seeking nomination for the office of President or Vice President of the United States shall, for the purposes of the Communications Act and the rules thereunder, be considered a legally qualified candidate only in those States or territories (or the District of Columbia) in which, in addition to meeting the requirements set forth in paragraph (a) of this section:

(1) He or she, or proposed delegates on his or her behalf, have qualified for the primary or Presidential preference ballot in that State, territory or the District of Columbia; or

(2) He or she has made a substantial showing of a bona fide candidacy for such nomination in that State, territory or the District of Columbia; except, that any such person meeting the requirements set forth in paragraphs (a)(1) and (2) of this section in at least 10 States (or 9 and the District of Columbia) shall be considered a legally qualified candidate for nomination in all States, territories and the District of Columbia for purposes of this Act.

(f) The term "substantial showing" of a bona fide candidacy as used in paragraphs (b), (d) and (e) of this section means evidence that the person claiming to be a candidate has engaged to a substantial degree in activities commonly associated with political campaigning. Such activities normally would include making campaign speeches, distributing campaign literature, issuing press releases, maintaining a campaign committee, and establishing campaign headquarters (even though the headquarters in some instances might be the residence of the candidate or his or her campaign

manager). Not all of the listed activities are necessarily required in each case to demonstrate a substantial showing, and there may be activities not listed herein which would contribute to such a showing.

4. Section 73.1942 is amended by revising the section heading and paragraph (a)(1)(i), by removing and reserving paragraph (a)(1)(vii), and by revising paragraphs (a)(1)(xii), (a)(2) and (b) introductory text to read as follows:

§ 73.1942 Candidate rates.

(a) * * *

(1) * * *

(i) A candidate shall be charged no more per unit than the station charges its most favored commercial advertisers for the same classes and amounts of time for the same periods. Any station practices offered to commercial advertisers that enhance the value of advertising spots must be disclosed and made available to candidates on equal terms. Such practices include but are not limited to any discount privileges that affect the value of advertising, such as bonus spots, time-sensitive make goods, preemption priorities, or any other factors that enhance the value of the announcement.

* * * * *

(xii) Makes goods, defined as the rescheduling of preempted advertising, shall be provided to candidates prior to election day if a station has provided a time-sensitive make good during the year preceding the pre-election periods, perspectively set forth in paragraph (a)(1) of this section, to any commercial advertiser who purchased time in the same class.

* * * * *

(2) At any time other than the respective periods set forth in paragraph (a)(1) of this section, stations may charge legally qualified candidates for public office no more than the changes made for comparable use of the station by commercial advertisers. The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, direct or indirect. A candidate shall be charged no more than the rate the station would charge for comparable commercial advertising. All discount privileges otherwise offered by a station to commercial advertisers must be disclosed and made available upon equal terms to all candidate for public office.

(b) If a station permits a candidate to use its facilities, the station shall make all discount privileges offered to commercial advertisers, including the lowest unit charges for each class and length of time in the same time period, and all corresponding discount privileges, available upon equal terms to all candidates. This duty includes an affirmative duty to disclose to candidates information about rates, terms conditions and all value-enhancing discount privileges offered to commercial advertisers. Stations may use reasonable discretion in making the disclosure; provided, however, that the disclosure includes, at a minimum, the following information:

* * * * *

PART 76—[AMENDED]

5. The authority citation for part 76 continues to read:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

6. Section 76.206 is amended by revising the section heading and paragraph (a)(1)(i), by removing and reserving paragraph (a)(1)(vii), and by revising paragraphs (a)(1)(xii), (a)(2) and (b) introductory text to read as follows:

§ 76.206 Candidate rates.

(a) * * *

(1) * * *

(i) A candidate shall be charged no more per unit than the system charges its most favored commercial advertisers for the same classes and amounts of time for the same periods. Any system practices offered to commercial advertisers that enhance the value of advertising spots must be disclosed and made available to candidates upon equal terms. Such practices include but are not limited to any discount privileges that affect the value of advertising, such as bonus spots, time-sensitive make goods, preemption priorities, or any other factors that enhance the value of the announcement.

* * * * *

(xii) Make goods, defined as the rescheduling of preempted advertising, shall be provided to candidates prior to election day if a system has provided a time-sensitive make good during the year preceding the pre-election periods, respectively set forth in paragraph (a)(1) of this section, to any commercial advertiser who purchased time in the same class.

* * * * *

(2) At any time other than the respective periods set forth in paragraph (a)(1) of this section, systems may charge legally qualified candidates for public office no more than the charges made for comparable use of the system by commercial advertisers. The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, direct or indirect. A candidate shall be charged no more than the rate the system would charge for comparable commercial advertising. All discount privileges otherwise offered by a system to commercial advertisers must be disclosed and made available upon equal terms to all candidates for public office.

(b) If a system permits a candidate to use its cablecast facilities, the system shall make all discount privileges offered to commercial advertisers, including the lowest unit charges for each class and length of time in the same time period and all corresponding discount privileges, available on equal terms to all candidates. This duty includes an affirmative duty to disclose to candidates information about rates, terms, conditions and all value-enhancing discount privileges offered to commercial advertisers. Systems may use reasonable discretion in making the disclosure; provided, however, that the disclosure includes, at a minimum, the following information:

* * * * *

[FR Doc. 92-14379 Filed 6-19-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 911176-2018]

Groundfish of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for pollock in statistical area 62 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the second quarterly allowance of the total allowable catch (TAC) for pollock in this area.

DATES: Effective 12 noon, Alaska local time (A.l.t.), June 17, 1992, until 12 noon, A.l.t., June 29, 1992.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, Resource Management Specialist, Fisheries Management Division, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the exclusive economic zone within the GOA is

managed by the Secretary of Commerce according to the Fishery Management Plan for Groundfish of the GOA (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The second quarterly allowance of pollock TAC to statistical area 62 is 4,246 metric tons, determined in accordance with § 672.20(a)(2)(iv).

Under § 672.20(c)(2)(ii), the Director of the Alaska Region, NMFS, has determined that the second quarterly allowance of pollock TAC to statistical area 62 will soon be reached. Consequently, NMFS is prohibiting directed fishing for pollock in statistical area 62, effective from 12 noon A.l.t., June 17, 1992, until 12 noon, A.l.t., June 29, 1992.

Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g).

Classification

This action is taken under 50 CFR 672.20 and is in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 16, 1992.

Alfred J. Bilik,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-14527 Filed 6-16-92; 4:48 pm]

BILLING CODE 3510-22-M

50 CFR Part 675

[Docket No. 911172-2021]

Groundfish of the Bering Sea and Aleutian Islands

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

ACTION: Closure to directed fishing in the Aleutian Islands subarea.

SUMMARY: NMFS is prohibiting directed fishing for the shortraker-rougheye species group in the Aleutian Islands subarea (AI). This action is necessary to prevent the total allowable catch (TAC) for the shortraker-rougheye species group in the AI from being exceeded. The intent of this action is to promote optimum use of groundfish while conserving shortraker-rougheye stocks.

DATES: Effective 12 noon, Alaska local time (A.l.t.), June 29, 1992, through 12 midnight, A.l.t., December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management Specialist, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) governs the groundfish fishery in the exclusive economic zone in the Bering Sea and Aleutian Islands area under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council and is implemented by regulations appearing at 50 CFR 611.93 and part 675.

The amount of a species or species group apportioned to a fishery is defined as TAC at § 675.20(a)(2). Under the final notice of initial specifications (57 FR 3952), February 3, 1992), the TAC of shortraker-rougheye for the AI was established as 1,220 metric tons (mt). Under § 675.20(a)(3), 15 percent of the TAC (183 mt) was apportioned to a non-specific reserve, leaving an initial TAC of 1,037 mt.

The Director of the Alaska Region, NMFS (Regional Director), has determined that the TAC of shortraker-rougheye for the AI will be reached before the end of the year and that 100 mt of shortraker-rougheye will be necessary as bycatch in other directed fisheries. Under § 675.20(a)(8), the Regional Director is establishing a directed fishing allowance of 937 mt, and NMFS is prohibiting directed fishing for the shortraker-rougheye species group in the AI effective 12 noon, A.l.t., June 29, 1992, through 12 midnight, A.l.t., December 31, 1992.

Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(h) and 57 FR 11433 (April 3, 1992).

Classification

This action is taken under 50 CFR 675.20 and is in compliance with 12291.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Alfred J. Bilik,

Acting Director, National Marine Fisheries Service.

[FR Doc. 92-14551 Filed 6-19-92; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 120
Monday, June 22, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20, 30, 32, and 35

Workshop to Discuss Topics Related to "Pregnancy," "Radioactive Drugs," and "Patient Release Criteria"

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The Nuclear Regulatory Commission (NRC) staff plans to convene a public workshop with representatives of Agreement States to discuss issues related to three topics. The first topic involves the proposed resolution of a petition for rulemaking submitted by the American College of Nuclear Physicians and the Society of Nuclear Medicine concerning the preparation and use of radioactive drugs containing byproduct material. The second topic involves the administration of byproduct material or radiation therefrom to patients of childbearing potential who may be pregnant or breast feeding. The third topic involves the proposed resolution of petitions for rulemaking submitted by Dr. Carol Marcus and by the American College of Nuclear Medicine concerning the criteria for release of patients from hospitals for those patients who have been administered byproduct material.

DATE: The workshop will be held on July 15 and 16, 1992, from 8:30 a.m. to 5 p.m. or later on the first day and from 8:30 a.m. to 3:45 p.m. or later on the second day.

ADDRESSES: Meeting to be held at Lenox Inn, 3387 Lenox Road, NE., Atlanta, GA 30326 (telephone 404–261–5500).

FOR FURTHER INFORMATION CONTACT: Vandy L. Miller, Office of State Programs, 3D23, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 504–2326.

SUPPLEMENTARY INFORMATION: The objective of the workshop is to conduct a roundtable discussion with representatives of Agreement States on the key issues related to three topics which are described below.

The American College of Nuclear Physicians (ACNP) and the Society of Nuclear Medicine (SNM) submitted a petition for rulemaking requesting that the NRC amend its regulations pertaining to the preparation and use of radioactive drugs containing byproduct material. Two issues of the petition (i.e., departure from manufacturer's instructions for preparing radiopharmaceuticals using nuclide generators and reagent kits, and departure from package insert instructions regarding indications and method of administration for therapeutic radiopharmaceuticals) were temporarily addressed in the interim final rule, that became effective on August 23, 1990 for 3 years. Three remaining issues are whether to allow: (1) Human research using byproduct material; (2) the use of radiolabeled biological products; and (3) compounding radioactive drugs (i.e., synthesized from reagent chemicals) by qualified nuclear pharmacists. The NRC is in the process of resolving all issues of the petition.

The NRC is considering issues related to administration of byproduct material or radiation therefrom to a patient of childbearing potential without first determining whether the patient is pregnant or breast feeding. It is a matter of record that some medical use licensees have administrated byproduct material to patients of childbearing potential who were pregnant or breast feeding without knowing the patient's pregnancy or breast feeding status. The consequences were that unintended radiation exposures were delivered to an embryo, fetus, or breast-fed infant. The NRC is considering adding two more objectives to the Quality Management Program (10 CFR 35.32) to ensure a high level of confidence that unintended radiation exposures to an embryo, fetus, or breast-fed infant will be prevented. The objective for all radiopharmaceutical administrations (i.e., diagnostic and therapeutic) would be that, "prior to each administration, patients of childbearing potential be alerted to notify the authorized user physician or technologist if they are pregnant or breast feeding." The objective for all administrations, for which a written directive is required pursuant to 10 CFR 35.32(a), would be that, "prior to administration, the authorized user physician shall come to a conclusion, through a reasoned and professional judgment on the patient's pregnancy and breast feeding status and provide that status in the written directive."

Dr. Carol Marcus submitted a petition for rulemaking requesting a modification of the public dose limits in the revised 10 CFR part 20. The concern expressed in the petition was that the revised dose limit of 100 millirem total effective dose equivalent was in conflict with the criteria in 10 CFR 35.75 for release of patients from hospitals for those patients who have been administered byproduct material. During the public comment period on the receipt of the petition by Dr. Marcus, the American College of Nuclear Medicine (ACNM) submitted a petition for rulemaking specifically related to the release criteria in 10 CFR 35.75. The ACNM petition suggested that the approach to establishing release criteria be modified to a dose based approach as outlined in Report 37 of the National Council on Radiation Protection and Measurements. The NRC staff is considering the appropriateness of addressing these two petitions simultaneously, and whether the existing approach to patient release criteria in 10 CFR 35.75 should be modified.

Conduct of the Meeting

The workshop will be co-chaired by the undersigned and Dr. John E. Glenn, Chief, Medical and Commercial Use Safety Branch, Division of Industrial and Medical Nuclear Safety, NRC. The moderator will be Mr. John L. Telford, Acting Chief, Regulation Development Branch, Division of Regulatory Applications, Office of Nuclear Regulatory Research, NRC. The workshop will be conducted in a manner that will facilitate the orderly conduct of business. The transcript of the workshop will be available for inspection, and copying for a fee, at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC 20555, on or about August 31, 1992.

The following procedures apply to public attendance at the workshop:

1. Questions or statements from attendees other than participants (i.e., participating representative of each Agreement state and participating NRC staff) will be entertained as time permits.

2. Seating for the public will be on a first-come first-served basis.

Dated at Rockville, Maryland, this 12th day of June 1992.

For the Nuclear Regulatory Commission.

Carlton Kammerer,

Director, Office of State Programs.

[FR Doc. 92-14605 Filed 6-19-92; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-251-AD]

Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Airbus Industrie Model A320 series airplanes, that would have required inspection to detect chafing of the wire looms in the wing and the horizontal stabilizer, and repair or replacement, protection, and realignment, if necessary. That proposal was prompted by an incident in which a wire loom short circuit caused fire extinguishant to discharge and pop the circuit breaker for a brake fan. This action revises the proposed rule by revising the inspection area requirements, increasing the repetitive inspection intervals, and adding two airplanes to the applicability of the AD. The actions specified by this proposed AD are intended to prevent electrical short circuiting due to chafing of the wire loom in the wing and the horizontal stabilizer.

DATES: Comments must be received by July 13, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-251-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 Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2140; 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 91-NM-251-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. 91-NM-251-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations to add an airworthiness directive (AD), applicable to certain Airbus Industrie Model A320 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on January 10, 1992 (57 FR 1120). That NPRM would have required inspection to detect chafing of the wire looms in the wing and the horizontal stabilizer, and repair or replacement, protection, and realignment, if necessary. That NPRM was prompted by an incident in which a wire loom short circuit caused fire extinguishant to discharge and pop the circuit breaker for a brake fan. That condition, if not corrected, could result in electrical short circuiting due to chafing of the wire loom in the wing and the horizontal stabilizer.

Since the issuance of that NPRM, Airbus Industrie has issued Revision 2 to Service Bulletin A320-24-1044, dated March 3, 1992; and Revision 2 to Service Bulletin A320-24-1045, dated April 9, 1992.

Revision 2 of Airbus Service Bulletin A320-24-1044 provides clarification of the inspection areas by highlighting critical zones where wire loom chafing had occurred (wing zones 574 and 674 through panels 574 AB and 674 AB), leading to engine extinguisher bottle discharge. The FAA has revised paragraphs (a) and (b) of the NPRM accordingly.

The service bulletin revision also describes a revision to the intervals for repetitive inspections of the wire looms in the wing and horizontal stabilizer (excluding wing zones 574 and 674 through panels 574AB and 674AB) from 3,100 to 3,500 flight hours. The FAA has revised the repetitive inspection intervals required by paragraph (b) of the NPRM to coincide with this change.

The service bulletin revision provides clarification concerning the conditions that would require realignment and protection of the wire loom. The FAA has revised paragraphs (a)(2) and (b)(2) of the NPRM to include this clarification. Should an operator choose to accomplish the temporary repair required by paragraph (a)(2) or (b)(2) of the proposed AD, the operator then would be required to accomplish realignment and protection of the loom at a specified interval after performing the temporary repair. (This requirement is specified in new proposed paragraph (c).)

In addition, this service bulletin revision adds two airplanes to the effectivity. Since two additional airplanes that are subject to the unsafe condition have been identified, the FAA has revised the applicability of the NPRM to include these airplanes.

Revision 2 to Airbus Service Bulletin A320-24-1045 revises certain modification numbers, revises the effectivity, and describes alternative materials and material specifications that are available to operators.

The FAA has revised the proposal to reflect these latest revisions to the service bulletins as additional service information sources.