

under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration 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 adding the following new airworthiness directive:

93-14-11 Boeing: Amendment 39-8635.
Docket 92-NM-201-AD.

Applicability: Model 767 series airplanes, line position 001 through 307, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the engine bleed air crossover ducts, which could result in loss of pneumatics and damage to adjacent structure, accomplish the following:

(a) **Option 1:** As an alternative to the requirements of paragraph (b) of this AD, accomplish the following:

(1) Within 6 months after the effective date of this AD, or prior to the accumulation of 7,000 total flight cycles, whichever occurs later, conduct a dye penetrant inspection and proof pressure test of the crossover pneumatic ducts, in accordance with Boeing Alert Service Bulletin 767-36A0041, dated July 2, 1992; or Revision 1, dated February 25, 1993.

(i) If cracks or ruptures are detected, prior to further flight, repair or replace the crossover pneumatic ducts in accordance with the service bulletin.

(ii) Stress relieving of the ducts, in accordance with the service bulletin, may be accomplished in conjunction with the initial dye penetrant inspection and proof pressure test required by this paragraph. Such action constitutes terminating action for the requirements of paragraph (a)(2) of this AD.

(2) Within 3,000 flight cycles after accomplishing the initial dye penetrant inspection and proof pressure test required by paragraph (a)(1) of this AD, conduct an additional dye penetrant inspection and proof pressure test of the crossover pneumatic ducts, and stress relieve the crossover pneumatic duct assemblies, in accordance with Boeing Alert Service Bulletin 767-36A0041, dated July 2, 1992; or Revision 1, dated February 25, 1993. If cracks or ruptures are detected, prior to further flight, repair or replace the crossover pneumatic ducts in accordance with the service bulletin.

(b) **Option 2:** As an alternative to the requirements of paragraph (a) of this AD, accomplish the following:

(1) Within 18 months after the effective date of this AD, or prior to the accumulation of 7,000 total flight cycles, whichever occurs later, conduct a dye penetrant inspection and proof pressure test of the crossover pneumatic ducts and stress relieve the crossover pneumatic duct assemblies, in accordance with Boeing Alert Service Bulletin 767-36A0041, dated July 2, 1992; or Revision 1, dated February 25, 1993.

(2) If cracks or ruptures are detected, prior to further flight, repair or replace the crossover pneumatic ducts in accordance with the service bulletin.

(c) Replacement of all crossover pneumatic ducts with stress relieved ducts in accordance with Boeing Alert Service Bulletin 767-36A0041, dated July 2, 1992; or Revision 1, dated February 25, 1993, constitutes terminating action for the requirements of paragraphs (a) and (b) of this AD.

(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, Seattle Aircraft Certification Office (ACO), 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, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle 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, test, repair, and replacement shall be done in accordance with Boeing Alert Service Bulletin 767-36A0041, dated July 2, 1992; or Boeing Alert Service Bulletin 767-36A0041, Revision 1, dated February 25, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on September 16, 1993.

Issued in Renton, Washington, on July 14, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-19726 Filed 8-16-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 93-NM-15-AD; Amendment 39-8641; AD 93-14-17]

Airworthiness Directives; Aerospatiale Model ATR72-100 and -200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Aerospatiale Model ATR72-100 and -200 series airplanes, that requires a one-time detailed visual inspection of the fastener holes on the front and rear wing spar fittings to ensure that spotfacing of the fastener holes has been accomplished; and, if necessary, a one-time general visual inspection of the fastener holes for peening or cracks, and modification or repair, as necessary. This amendment is prompted by a report that, during assembly, spotfacing of some fastener holes in the front and rear wing spar fittings was not performed on these airplanes. The actions specified by this AD are intended to prevent reduced structural integrity of the wing spar fittings.

DATES: Effective September 16, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 16, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. **FOR FURTHER INFORMATION CONTACT:** Gary Lium, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1112; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Aerospatiale Model ATR72-100 and -200 series airplanes was published in the *Federal Register* on April 7, 1993 (58 FR 18051). That action proposed to require a one-time detailed visual inspection of the fastener holes on the front and rear wing spar fittings to ensure that spotfacing of the fastener holes has been accomplished; and, if necessary, a one-time general visual inspection of the fastener holes for peening or cracks, and modification or repair, as necessary.

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

The commenter supports the proposed rule.

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

The FAA estimates that 11 airplanes of U.S. registry will be affected by this AD, that it will take approximately 14 work hours per airplane to accomplish the required actions, and that the average labor rate is \$55 per work hour. Required parts will be supplied by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$8,470, or \$770 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules

Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration 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 adding the following new airworthiness directive:

93-14-17 Aerospatiale: Amendment 39-8641. Docket 93-NM-15-AD.

Applicability: Model ATR72-100 and -200 series airplanes on which Modification 3196 has not been installed; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the wing spar fittings, accomplish the following:

(a) Within 12 months after the effective date of this AD, perform a one-time detailed visual inspection of the fastener holes on the front and rear wing spar fittings to ensure that spotfacing of the fastener holes has been accomplished, in accordance with Aerospatiale Service Bulletin ATR72-57-1008, dated November 19, 1992.

(1) If spotfacing of the fastener holes has been accomplished, no further action is required by this AD.

(2) If spotfacing of the fastener holes has not been accomplished, prior to further flight, perform a one-time general visual inspection of the fastener holes for peening or cracks, in accordance with the service bulletin.

(i) If no peening or crack is found, prior to further flight, install a shim and replace existing nuts with self-aligning nuts, in accordance with the service bulletin.

(ii) If any peening or crack is found, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(b) 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.

(c) 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.

(d) The inspections, installation, replacement, and repair shall be done in accordance with Aerospatiale Service Bulletin ATR72-57-1008, dated November 19, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on September 16, 1993.

Issued in Renton, Washington, on July 19, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-19728 Filed 8-16-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 91

[Docket No. 24456; Amendment No. 91-233]

Airspace Reclassification

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correcting amendment.

SUMMARY: This action corrects the Airspace Reclassification Final Rule effective September 16, 1993. The Airspace Reclassification Rule inadvertently assigned the authority to air traffic controllers to allow aircraft operators to deviate from the maximum airspeed restriction below 10,000 feet. The authority to approve deviation from the speed limits contained in the Federal Aviation Regulations (FAR) rests with the Administrator, and the FAA did not intend to amend the approving authority. This action reestablishes the Administrator as the proper authority to permit waivers of aircraft speed. This action also corrects the inadvertent inclusion of Class B airspace in the maximum airspeed restriction effected by the Airspace Reclassification Final Rule.

EFFECTIVE DATE: This correcting amendment is effective as of September 16, 1993.

FOR FURTHER INFORMATION CONTACT: Messieurs Aaron I. Boxer or Joseph C. White, Air Traffic Rules Branch (ATP-230), Airspace-Rules and Aeronautical Information Division, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Background

On October 18, 1989, the FAA published a Notice of Proposed Rulemaking on Airspace Reclassification (54 FR 42916) which proposed, among other things, that the nomenclature of various airspace areas be renamed to conform with agreements with the International Civil Aviation Organization. On December 17, 1991, the FAA published a final rule on Airspace Reclassification (56 FR 65638) which becomes effective on September 16, 1993. Section 91.117 of the Federal Aviation Regulations (FAR) (14 CFR 91.117) was amended as part of this process.

Section 91.117(a) requires that any aircraft operated below 10,000 feet be flown no faster than 250 knots (288 m.p.h.) unless otherwise authorized by the Administrator of the FAA. Section 91.117(b) provides that, unless authorized or required by ATC, no person may operate an aircraft within an airport traffic area faster than 200 knots (230 m.p.h.), except for operations within a terminal control area. The preamble to the proposed airspace reclassification rule included a discussion of several recommendations received from the National Airspace Review (NAR) task group. NAR 1-2.1.3 recommended several changes to operating requirements in Terminal Control Areas (Class B airspace). Included in NAR 1-2.1.3 was a recommendation to delegate the authority to approve deviation from the 250 knot speed restriction in Class B airspace to air traffic control. The FAA had adopted other portions of NAR 1-2.2.3 through separate actions, but had not intended to incorporate the recommended delegation of authority or include Class B airspace in the 200 knot rule. However, the rule language amending § 91.117(a) inadvertently included such redelegation, and that amending § 91.117(b) inadvertently included the Class B airspace area. This action establishes the Administrator as the sole approving authority for deviations from the aircraft speed restrictions contained in § 91.117(a) and excludes the Class B airspace area from

the speed restrictions contained in § 91.117(b).

List of Subjects in 14 CFR Part 91

Air traffic control, Air transportation, Airmen, Airports, Aviation safety.

The Amendment

Accordingly, 14 CFR part 91 in effect as of September 16, 1993, is amended by making the following correcting amendments:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. app. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 stat. 1180); 42 U.S.C. 4321 et seq.; E.O. 11514, 35 FR 4247, 3 CFR, 1966-1970 Comp., p. 902; 49 U.S.C. 106(g).

2. Section 91.117 is corrected by revising paragraphs (a) and (b) to read as follows:

§ 91.117 Aircraft speed.

(a) Unless otherwise authorized by the Administrator, no person may operate an aircraft below 10,000 feet MSL at an indicated airspeed of more than 250 knots (288 m.p.h.).

(b) Unless otherwise authorized or required by ATC, no person may operate an aircraft at or below 2,500 feet above the surface within 4 nautical miles of the primary airport of a Class C or Class D airspace area at an indicated airspeed of more than 200 knots (230 mph.). This paragraph (b) does not apply to any operations within a Class B airspace area. Such operations shall comply with paragraph (a) of this section.

* * * * *

Issued in Washington, DC, on August 10, 1993.

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

[FR Doc. 93-19663 Filed 8-16-93; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1204

Administrative Authority and Policy

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: NASA is amending 14 CFR part 1204 by revising subpart 4, "Small

Business Policy," to reflect the current rate of small purchases threshold for applicability of the policy. This subpart establishes NASA's small business policy and outlines the delegation of authority in implementing this policy.

EFFECTIVE DATE: August 10, 1993.

FOR FURTHER INFORMATION CONTACT: Ralph C. Thomas, III, 202-358-2088.

SUPPLEMENTARY INFORMATION: NASA published its final rule in the *Federal Register* on April 28, 1982 (47 FR 18124). This amendment makes editorial corrections and revises the proposed procurement threshold in § 1204.403 (a) and (b).

NASA has determined that:

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small business entities.

2. This rule is not a major rule as defined in Executive Order 12291.

List of Subjects in 14 CFR Part 1204

Airports, Authority delegations (Government agencies), Federal buildings, facilities, and real estate, Government contracts, Government employees, Government procurement, Grant programs—science and technology, Intergovernmental relations, Labor unions, Security measures, Small businesses.

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

For reasons set forth in the Preamble, 14 CFR part 1204, subpart 4, is revised to read as follows:

Subpart 4—Small Business Policy

Sec.
1204.400 Scope of subpart.
1204.401 Policy.
1204.402 Responsibilities.
1204.403 General requirements.

Authority: 42 U.S.C. 2473(c)(5); 42 U.S.C. 2473b; Public Law 101-507, the VA/HUD/Indep. Agencies Appropriation Act for FY 1991, at 104 Stat. 1380 (Nov. 5, 1990); and 15 U.S.C. 631-650.

Subpart 4—Small Business Policy

§ 1204.400 Scope of subpart.

This subpart establishes NASA's small business policy and outlines the delegation of authority in implementing this policy as required by Federal law.

§ 1204.401 Policy.

(a) It is the policy of NASA to enable small business concerns (including small women-owned businesses), Historically Black Colleges and Universities, and other minority

educational institutions the opportunity to participate equitably and proportionately in its total purchases and contracts consistent with NASA's needs to execute its missions.

(b) In carrying out the NASA procurement program, the primary consideration shall be that of securing contract performance, including obtaining deliveries of required items or services at the time, in the quantity and of the quality prescribed. In the area of research and development contracts, the general policy of NASA is to award such contracts to those organizations determined by responsible personnel to have a high degree of competence in the specific branch of science or technology required for the successful conduct of the work. It is in the interest of the civilian space program that the number of firms engaged in research and development work for NASA be expanded and that there be an increase in the extent of participation in such work by competent small and small disadvantaged business firms.

§ 1204.402 Responsibilities.

(a) *Office of Small and Disadvantaged Business Utilization (OSDBU).* The Associate Administrator for Small and Disadvantaged Business Utilization, NASA Headquarters, is responsible for the development, supervision, and coordination of the NASA Small Business Program. The Associate Administrator is also responsible for formulating policy and procedures relating to small business, and representing NASA before other Government agencies on matters primarily affecting small business.

(b) *NASA Headquarters and Field Installations.* The Directors of Field Installations and the Associate Administrator for Procurement at Headquarters will designate a qualified individual as a "Small Business Specialist" to provide a central point of contact to which small and small disadvantaged business concerns may direct inquiries concerning participation in the NASA procurement program, or secure assistance in submitting bids or proposals and performance of contracts. Where the Director of the Field Installation considers that the volume of procurement at the Installation does not warrant a full-time Small Business Specialist, the Director may assign such duties to qualified procurement personnel on a part-time basis. NASA Field Installations shall establish and maintain liaison with the Small Business Administration (SBA) Procurement Center Representative (PCR) or the appropriate Small Business Administration Regional Office in

matters relating to Field Installation procurement activities. A Small Business Technical Advisor shall be assigned to each contracting activity within the agency to which the SBA has assigned a PCR.

§ 1204.403 General requirements.

(a) All proposed procurement transactions in excess of \$25,000 shall be examined by a Small Business Specialist prior to issuance of bids or requests for proposals to determine suitability for small participation or set-asides, unless the transaction has already been set-aside for small business by the contracting officer.

(b) The appropriate office of the Small Business Administration (assigned PCR) shall be informed of proposed procurements estimated to exceed \$25,000.

(c) A Bidder's list shall be maintained at each Field Installation on a current basis and reviewed to ensure that small business firms are given an equitable opportunity to participate in those procurements suitable for performance by such firms. Installations may use, at their option, the SBA Procurement Automated Source System (PASS) in lieu of the separate Center Bidder's list, if resources can be conserved.

(d) NASA Small Business Specialists shall acquire descriptive data, brochures, or other information concerning small business firms that appear competent to perform research and development (R&D) work in fields in which NASA is interested and furnish such information to appropriate NASA personnel for consideration of these firms in future R&D procurements. The Small Business Specialists at Headquarters and Field Installations shall assist and consult, as necessary, with NASA technical personnel in analyzing such information, arranging field inspection of facilities, making appointments for technical personnel with representatives of small business firms, and obtaining from other agencies appraisals of work performance by such firms. When feasible, Small Business Specialists shall conduct or participate in outreach conferences and training sessions to inform small businesses of contracting opportunities with the Agency.

(e) In accordance with Public Law 95-507, NASA will require contractors having contracts in excess of \$1 million for the construction of any public facility, and in excess of \$500,000 for all other contracts, and of such nature as to afford opportunities for subcontracting in substantial amounts, to establish and conduct small business subcontracting programs. Such programs will be

periodically reviewed by NASA Small Business Specialists to evaluate their adequacy.

(f) NASA will encourage competent small business concerns to submit unsolicited proposals for research and development work in areas within NASA's responsibility, which may lead to contracts for such work. The formation of contractor pools or joint ventures to perform research and development work will also be encouraged.

(g) NASA Small Business Specialists will disseminate to small business concerns information concerning inventions for which NASA holds patents on behalf of the United States and under which it is NASA policy to grant licenses.

(h) Small business participation in NASA procurement shall be accurately measured, recorded, and publicized.

(i) NASA small business personnel shall assist small business concerns to obtain payments under their contracts, late payment interest penalties, or information due to such concerns.

Dated: August 10, 1993.

Daniel S. Goldin,

Administrator.

[FR Doc. 93-19642 Filed 8-16-93; 8:45 am]

BILLING CODE 7510-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-32737; File No. S7-27-88]

RIN 3235-AD62

Net Capital Requirements for Brokers and Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendment.

SUMMARY: The Securities and Exchange Commission ("Commission") is amending its net capital rule under the Securities Exchange Act of 1934, to make the rule applicable to certain specialists that are currently exempt from the rule. The Commission is further amending the rule to exempt certain specialists from the application of the rule's haircut and undue concentration deductions with respect to their specialty securities. Options market makers on the floors of the national securities exchanges will continue to be exempt from the net capital rule under certain conditions.

EFFECTIVE DATE: The amendments become effective on April 1, 1994.