

91-219

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 is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

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

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—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

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

McDonnell Douglas: Applies to Model DC-9 and C-9 (Military) series airplanes, including Model DC-9-80 series and Model MD-88 airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent structural failure, accomplish the following:

A. Within the threshold for inspections specified in the service bulletins listed in Table 2.1 or Table 2.2, as applicable, of "DC-9/MD-80 Aging Aircraft Service Action Requirements Document," McDonnell Douglas Report No. MDC-K1572, Revision A, dated June 1, 1990 (hereinafter referred to as "The Document"), or within one repetitive inspection period specified in those service bulletins after the effective date of this AD, whichever is later, inspect for cracks in

accordance with those service bulletins. Repeat these inspections at intervals specified in the service bulletins listed in Table 2.1 or Table 2.2, as applicable, of The Document.

1. If cracks are found during any inspection, prior to further flight, either accomplish the terminating modification in accordance with paragraph B. of this AD, or repair in accordance with data approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: Detection of discrepancies other than cracking necessitates appropriate corrective action in accordance with the provisions of Part 43 of the Federal Aviation Regulations (FAR).

2. Modification in accordance with paragraph B. of this AD terminates the individual inspection requirements of the applicable service bulletin.

B. Prior to reaching the incorporation thresholds listed in Table 2.1 or Table 2.2, as applicable, of The Document, or within 4 years after the effective date of this AD, whichever occurs later, accomplish the structural modifications specified in the service bulletins listed in Table 2.1 or Table 2.2, as applicable, of The Document.

Note: The modifications required by this paragraph do not terminate the inspection requirements of any other AD unless that AD specifies that any such modification constitutes terminating action for those specified inspection requirements.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Los Angeles ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Los Angeles ACO.

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

The inspections and modifications shall be done in accordance with the "DC-9/MD-80 Aging Aircraft Service Action Requirements Document," McDonnell Douglas Report No. MDC-K1572, Revision A, dated June 1, 1990, which incorporates the following list of affected pages:

Page No.	Revision	Date
i	A	June 1, 1990.
ii	Original	September 12, 1989.
iii-vi	A	June 1, 1990.
1-36	A	June 1, 1990.

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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Business Unit Manager of Publications, C1-HCO (54-60). Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street, NW., Room 8301, Washington, DC.

This amendment becomes effective September 24, 1990.

Issued in Renton, Washington, on August 6, 1990.

Darrell M. Pederson,
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 90-19999 Filed 8-23-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 18334; Amdt. No. 91-219]

RIN 2120-AA13

Revision of General Operating and Flight Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; amendment.

SUMMARY: On August 18, 1989, the FAA issued a final rule which reorganized and realigned the general operating and flight rules to make the rules easier to use. This action amends that rule to add language that was inadvertently omitted in that final rule. This rulemaking action is necessary to correct the final rule issued on August 7, 1989, and to clarify regulatory requirements.

EFFECTIVE DATE: August 24, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. William Davis, Air Traffic Rules Branch, ATP-230, Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Availability of Final Rule

Any person may obtain a copy of this final rule by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-200, 800 Independence Avenue SW.,

Washington, DC 20591, or by calling (202) 267-3484. Requests must include the amendment number identified in this final rule. Persons interested in being placed on a mailing list for future rulemaking actions should request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the applicable procedure.

Background

When Amendment No. 91-211 (Docket No. 18334) was published in the Federal Register on August 18, 1989 (54 FR 34282), certain text of the existing rule (formerly § 91.70) was inadvertently omitted. To restore the text to its intended form, it is necessary to correct this error.

This final rule amends § 91.117 (effective August 18, 1990) by adding language which was inadvertently omitted from the text published on August 18, 1989. This amendment does not alter the substantive provisions of the former § 91.70(a), and which the FAA intended to recodify as § 91.117(a) without change.

Need for Immediate Adoption

Since this amendment only corrects a publication error and does not substantively amend agency regulations, this action is a minor editorial amendment in which the public would not be particularly interested. Accordingly, I find that notice and public comment procedures are unnecessary. I further find that good cause exists for making the amendment effective in less than 30 days to eliminate ambiguity in published agency regulations as soon as possible.

Conclusion

This amendment is an editorial correction. The action incorporates language that was inadvertently omitted in a final rule which reorganized and realigned the general operating and flight rules to make the rules easier to use. The FAA has determined that this regulation is not major under Executive Order 12291. In addition, the FAA certifies that this regulation 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. This regulation is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects in Part 91

Air traffic control, Aviation safety, Flight visibility, Terminal control areas, Visual flight rules corridor.

The Amendment

For the reasons set forth above, part 91 of the Federal Aviation Regulations (14 CFR part 91) is amended as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

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

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 (as amended by Pub. L. 100-223) 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; Pub. L. 100-202; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. Section 91.117(a) is revised 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.).

* * * * *

Issued in Washington, DC on August 17, 1990.

James B. Busey,
Administrator.

[FR Doc. 90-20002 Filed 8-23-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 389

[Docket No. RM90-13-000; Order No. 526]

Interim Revisions to Regulations Governing Transportation Under Section 311 of the Natural Gas Policy Act of 1978 and Blanket Transportation Certificates

August 17, 1990.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Interim Rule; Notice of OMB control number.

SUMMARY: On August 2, 1990, the Commission issued an interim rule in Docket No. RM90-13-000, 55 FR 33,002 (Aug. 13, 1990), which adopted a revised interpretation of the "on behalf of" standard in section 311 of the Natural

Gas Policy Act of 1978, 15 U.S.C. 3301-3432, and regulatory amendments to permit interstate pipelines to convert non-qualifying section 311 transportation services to blanket certificate authorization. This notice indicates that the OMB has approved the information collection provisions in this docket.

EFFECTIVE DATE: August 13, 1990.

FOR FURTHER INFORMATION CONTACT: William E. Murrell, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. (202) 208-1109.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulations, 5 CFR part 1320 (1990), require that OMB approve certain information collection requirements imposed by agency rules. On August 13, 1990, the OMB approved the information collection requirements contained in Docket No. RM90-13-000 under OMB Control Number 1902-0160. The information collection provisions in Docket No. RM90-13-000 are effective through November 30, 1990.

In consideration of the foregoing, the Commission amends part 389, chapter I, title 18 of the Code of Federal Regulations as set forth below.

PART 389—OMB CONTROL NUMBERS FOR COMMISSION INFORMATION COLLECTION REQUIREMENTS

1. The authority citation for part 389 is revised to read as follows:

Authority: 44 U.S.C. 3501-3520.

§ 389.101 [Amended]

2. In § 389.101, paragraph (b) is amended by inserting "284.223" in the Section Column and inserting "0160" in the corresponding OMB Control Number Column.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-19931 Filed 8-23-90; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 389

[Docket No. RM90-14-000; Order No. 525]

Interim Revisions to Regulations Governing Construction of Facilities Pursuant to NGPA Section 311 and Replacement of Facilities

August 17, 1990.

AGENCY: Federal Energy Regulatory Commission, DOE.

Corrections

Federal Register
Vol. 55, No. 165
Friday, August 24, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

29 CFR Parts 92, 94, 98, and 151

[Docket 90-023]

RIN 0579-AA30

Importation of Certain Animals, Poultry, Animal and Poultry Products, and Animal Embryos

Correction

In rule document 90-17541 beginning on page 31484, in the issue of Thursday, August 2, 1990, make the following corrections:

1. On page 31486, in the eighth column, under the heading "Semen", the last two entries, corresponding with "94.2(a)(2)" and "94.2(a)(3)" of the first column, should read "98.24(a)(2)" and "98.24(a)(3)", respectively.
2. On page 31488, in the first column, under the heading "Original part 92", the 17th entry, should read "92.11(a)".
3. On the same page, in the fifth column, under the heading "Ruminants (subpart D)", in the 11th entry, "92.401" should read "92.410".
4. On the same page, in the sixth column, under the heading "Swine (subpart E)", the entry corresponding with "92.11(b)(1)" of the first column, was omitted and should read "92.510".
5. On the same page, in the seventh column, under the heading "Dogs (subpart F)", "92.510" should be deleted.
6. On page 31490, in the fifth column, under the heading "Ruminants (subpart D)", under "92.423(c)" insert "92.423(d)".
7. On the same page, in the eighth column, under the heading "Semen", the entry "98.28" which corresponds with "93.31(a)(1)" of the first column, should be deleted.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3806-3]

Underground Injection Control Program; Hazardous Waste Disposal Injection Restrictions

Correction

Document 90-15801 beginning on page 28415 in the issue of Wednesday, July 11, 1990, was published in the "Proposed Rules" section of the issue. It should have appeared in the "Notices" section.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1220

[Docket No. 90N-0192]

Regulations Under the Tea Importation Act; Tea Standards

Correction

In rule document 90-19306 beginning on page 33670 in the issue of Friday, August 17, 1990, make the following corrections:

1. On page 33670, in the second column, in the subject heading "TBA" should read "Tea", as set forth above.

§ 1220.40 Tea standards.

2. On page 33671, in the first column, the section heading is corrected to read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Boehringer Ingelheim Animal Health, Inc.; Withdrawal of Approval of NADA's

Correction

In notice document 90-19376 appearing on page 33766 in the issue of Friday, August 17, 1990, in the second column, in the 13th line "to" should read "of".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 89D-0368]

Action Levels for Residues of Certain Pesticides in Food and Feed; Correction

Correction

In notice document 90-19377 appearing on page 33766 in the issue of Friday, August 17, 1990, in the third column, in the 14th line, remove the comma after "broccoli".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Finance Administration

42 CFR Part 413

[BPD-601-F]

RIN 0938-AD76

Medicare Program; Payment for Outpatient Surgery at Eye Specialty Hospitals and Eye and Ear Specialty Hospitals

Correction

In rule document 90-19410 beginning on page 33697, in the issue of Friday, August 17, 1990, make the following correction:

§ 413.118 [Corrected]

On page 33699, in the third column, in § 413.118, the paragraph designation "(b)" should read "(a)".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 26269; Notice No. 90-18]

RIN 2120-AD20

Small Airplane Airworthiness Review Program Notice No. 4

Correction

In proposed rule document 90-14485 beginning on page 26534 in the issue of

NPRM

90-18

Thursday, June 28, 1990, make the following corrections:

§ 23.535 [Corrected]

1. On page 26557, in the third column, in § 23.535(f), in the second and third lines of the formula, "p₂" should read "p/2".

2. On page 26568, in the third column, above the billing code, add the following text:

63. A new appendix H is added to read as follows:

BILLING CODE 1505-01-D

Corrections

ENVIRONMENTAL PROTECTION AGENCY
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THE BUREAU OF THE FEDERAL RESERVE
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