

Proposed Rules

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-30-AD]

Airworthiness Directives; Lockheed Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Lockheed Model L-1011-385 series airplanes. This proposal would require an inspection to detect evidence of sealant around the lug bushing flanges of certain actuator attach pin assemblies of the main landing gear (MLG), and replacement of the pin assembly with a serviceable unit if no sealant is present. This proposal is prompted by reports of cracks emanating from corrosion pits of the lug bores on the actuator attach pin assemblies of two MLG's. The actions specified by the proposed AD are intended to prevent failure of the actuator attach pins as a result of corrosion and subsequent cracking of the lug bores. Such failure could result in the MLG failing to extend completely or rapidly free-falling during extension and causing additional damage to the landing gear.

DATES: Comments must be received by May 26, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-30-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from

Lockheed Aeronautical Systems Support Company (LASSC), Field Support Department, Dept. 693, Zone 0755, 2251 Lake Park Drive, Smyrna, Georgia 30080. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Thomas Peters, Aerospace Engineer, Flight Test Branch, ACE-116A, FAA, Atlanta Aircraft Certification Office, Small Airplane Directorate, Campus Building, 1701 Columbia Avenue, Suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7367; fax (404) 305-7348.

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 95-NM-30-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.

95-NM-30-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The FAA received reports indicating that cracked lugs were found on the actuator attach pin assemblies of two main landing gears (MLG) installed on Lockheed Model L-1011-385 series airplanes. The actuator attach pins connect the piston end of the retract actuator of the MLG to the gear strut. Results of an examination of one pin assembly revealed that cracks emanated from corrosion pits beneath the bushing surface on the lug bores. The corrosion may have been caused by the intrusion of moisture between the lug surface and the bushing flange. The lug bores on the pin assemblies lacked a proper protective finish. In addition, the bushings were sealed insufficiently to prevent the intrusion of moisture and resultant corrosion. Corrosion and subsequent cracking of the lug bores, if not corrected, could result in failure of the attach pins. This condition, if not corrected, could result in the MLG failing to extend completely or rapidly free-falling during extension and causing additional damage to the landing gear.

The FAA has reviewed and approved Lockheed Service Bulletin 093-32-256, dated November 11, 1994, which describes procedures for a one-time inspection to detect evidence of sealant around the lug bushing flanges of certain actuator attach pin assemblies of the MLG. If sealant is not present, the service bulletin recommends replacement of the pin assembly with a serviceable unit.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a one-time inspection to detect evidence of sealant around the lug bushing flanges of certain actuator attach pin assemblies of the MLG and, if no sealant is present, replacement of the pin assembly. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Operators should note that, although the service bulletin recommends that the inspection be performed within 6 months, the FAA is proposing a compliance time of 90 days for accomplishment of the inspection. In developing this proposed compliance

time, the FAA considered the safety implications, availability of required replacement parts, and normal maintenance schedules for timely accomplishment of the proposed actions. The FAA has determined that accomplishment of the proposed inspection requires no special access. Further, the proposed inspection requires only one work hour to perform, which is sufficiently short to easily allow the inspection to be accomplished outside normal maintenance facilities. In consideration of these factors, the FAA has determined that a compliance time of 90 days represents an appropriate interval in which the inspection of the pin assemblies can be accomplished in a timely manner within the fleet and still maintain an adequate level of safety.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

There are approximately 236 Model L-1011-385 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 117 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$7,020, or \$60 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the

various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) 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:

Lockheed Aeronautical Systems Company: Docket 95-NM-30-AD.

Applicability: All Model L-1011-385 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the

unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the actuator attach pins as a result of corrosion and subsequent cracking of the lug bores, which could result in the main landing gear (MLG) failing to extend completely or rapidly free-falling during extension and causing additional damage to the landing gear, accomplish the following:

(a) Within 90 days after the effective date of this AD, perform a one-time inspection to detect evidence of sealant around the lug bushing flanges of the actuator attach pin assembly, part number 1642699-101, of the MLG, in accordance with Lockheed Service Bulletin 093-32-256, dated November 11, 1994.

(1) If the inspection reveals that sealant is present, no further action is required by this AD.

(2) If the inspection reveals that no evidence of sealant is present, within 6 months after accomplishing the inspection, replace the actuator attach pin assembly with a serviceable unit in accordance with Lockheed Service Bulletin 093-32-256, dated November 11, 1994.

(b) As of the effective date of this AD, no actuator attach pin assembly, part number 1642699-101, shall be installed on the MLG of any airplane unless that assembly has been inspected in accordance with the requirements of paragraph (a) of this AD and evidence of sealant has been found; or unless that assembly has been reworked and reidentified with the letter "A" etched at the end of the serial number, in accordance with Lockheed Service Bulletin 093-32-256, dated November 11, 1994.

(c) 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, Atlanta Aircraft Certification Office (ACO), FAA, Small 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, Atlanta ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on April 21, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-10318 Filed 4-26-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 94-NM-186-AD]

Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain British Aerospace Model BAC 1-11 200 and 400 airplanes, that currently requires incorporation of certain structural modifications. That AD was prompted by reports of fatigue cracking and corrosion in transport category airplanes that are approaching or have exceeded their economic design goal. The actions specified by that AD are intended to prevent reduced structural integrity of the airplane. This action would require incorporation of additional structural modifications.

DATES: Comments must be received by May 6, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-186-D, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-1148; 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 94-NM-186-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. 94-NM-186-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On October 24, 1990, the FAA issued AD 90-23-09, amendment 39-6795 (55 FR 46502, November 5, 1990), applicable to certain British Aerospace Model BAC 1-11 200 and 400 airplanes, to require incorporation of certain structural modifications. That action was prompted by reports of fatigue cracking and corrosion in transport category airplanes that are approaching or have exceeded their economic design goal. The requirements of that AD are intended to prevent reduced structural integrity of the airplane.

Since the issuance of that AD, British Aerospace has issued Alert Service Bulletin 5-A-PM5995, Issue 3, dated March 19, 1993, which references terminating modifications described in 16 service bulletins, and recommends that they be installed in the applicable British Aerospace Model BAC 1-11 airplanes. The modifications described in the service bulletins consist of:

- 1 modification of the landing gear,
- 5 modifications of the doors,
- 5 modifications of the fuselage structure,
- 3 modifications of the stabilizer, and
- 2 modifications of the wings.

Additionally, Issue 3 of this alert service bulletin adds one new modification (fuselage structure) and revises the item numbers in Table 1 of several modifications that were previously addressed by AD 90-23-09.

Accomplishment of these modifications would terminate the repetitive inspections required by the following AD's:

AD No.	Amendment No.	Federal Register citation	Date of publication
67-30-02	39-0507	32 FR 15421	November 4, 1967.
87-21-06	39-5744	52 FR 38396	October 16, 1987.
82-01-02 R1	39-4824	49 FR 9412	March 13, 1984.
83-20-02	39-4735	48 FR 44462	September 29, 1983.
88-11-09	39-5891	53 FR 17918	May 19, 1988.
72-06-01	39-1406	37 FR 4900	March 7, 1972.
71-25-02	39-1349	36 FR 22363	November 25, 1971.

Implementation of these modifications will positively address the unsafe condition identified as reduced structural integrity of the airplane. The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom,

classified this alert service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation

Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA,

reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 90-23-09 to require incorporation of additional structural modifications. The actions would be required to be accomplished in accordance with the alert service bulletin described previously.

Operators should note that the actions specified as Items 6, 11, 13, and 14 in Table 1 of British Aerospace Alert Service Bulletin 5-A-PM5995, Issue 3, are not included in the proposed requirements of this AD due to the following reasons:

Item	Reason
6	Currently required by AD 91-06-16, amendment 39-6935.
11	Will be addressed in a separate rule-making action.
13	Currently required by AD 67-15-01, amendment 39-401.
14	Currently required by AD 67-14-04, amendment 39-397.

The FAA estimates that 31 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 387 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour.

Required parts would cost approximately \$10,315 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$1,039,585, or \$33,535 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-6795 (55 FR 46502, November 5, 1990), and by

adding a new airworthiness directive (AD), to read as follows:

British Aerospace Airbus Limited (Formerly British Aerospace Commercial Aircraft Limited, British Aerospace Aircraft Group): Docket 94-NM-186-AD. Supersedes AD 90-23-09, Amendment 39-6795.

Applicability: Model BAC 1-11 200 and 400 airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the airplane, accomplish the following:

(a) Prior to reaching the "Not Exceed Time" interval specified in Table 1 of British Aerospace Alert Service Bulletin 5-A-PM5995, Issue 3, dated March 19, 1993; or within 15 months after the effective date of this AD; whichever occurs later: Install the structural modification listed in each Item in Table 1 of the alert service bulletin, except for Items 6, 11, 13, and 14. The modifications shall be done in accordance with the appropriate service bulletin specified for each Item in Table 1, listed under "Service Bulletin No."

Note 2: Items 6, 11, 13, and 14 in Table 1 of British Aerospace Alert Service Bulletin 5-A-PM5995, Issue 3, are not included in the requirements of this AD since those items are addressed by separate rulemaking actions.

(b) Accomplishment of the modifications required by paragraph (a) of this AD constitutes terminating action for the repetitive inspections required by the following AD's:

AD No.	Amendment No.	Federal Register citation	Date of publication
67-30-02	39-0507	32 FR 15421	November 4, 1967.
87-21-06	39-5744	52 FR 38396	October 16, 1987.
82-01-02 R1	39-4824	49 FR 9412	March 13, 1984.
83-20-02	39-4735	48 FR 44462	September 29, 1983.
88-11-09	39-5891	53 FR 17918	May 19, 1988.
72-06-01	39-1406	37 FR 4900	March 7, 1972.
71-25-02	39-1349	36 FR 22363	November 25, 1971.

(c) 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-13, 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on April 21, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 95-10320 Filed 4-26-95; 8:45 am]
BILLING CODE 4910-13-U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Chapter II

Review of Existing Regulations

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of extension of public comment period.

SUMMARY: This document extends, by 30 days, the comment period of a document published by the Minerals Management Service (MMS) in the **Federal Register** on March 28, 1995 (60 FR 15888) which requested comments on a review of existing MMS regulations under Executive Order 12866. The extension was requested by the American Petroleum Institute.

DATES: The comment period is extended to May 27, 1995. Comments should be received or postmarked by that date.

ADDRESSES: Mail written comments to Department of the Interior; Minerals Management Service; Mail Stop 4013; 1849 C Street NW.; Washington, DC 20240; Attention: Bettine Montgomery, MMS Regulatory Coordinator, Policy and Management Improvement.

FOR FURTHER INFORMATION CONTACT: Bettine Montgomery, Policy and Management Improvement, telephone (202) 208-3976; Fax (202) 208-4891.

Dated: April 21, 1995.

Lucy R. Querques,

Associate Director for Policy and Management Improvement.
[FR Doc. 95-10329 Filed 4-26-95; 8:45 am]
BILLING CODE 4310-MR-M

DEPARTMENT OF ENERGY

48 CFR Part 970

[Regulation Identifier Number 1991-AB20]

Acquisition Regulation; Department of Energy Management and Operating Contracts

AGENCY: Department of Energy.

ACTION: Amendment of a notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) today amends its March 2, 1995, notice of proposed rulemaking (60 FR 11646) which proposed amendments to the DOE Acquisition Regulation (DEAR) provisions applicable to subcontracting by management and operating contractors. Today's amendments do not affect the principal provisions of the proposal which are: Substitution of more commercial-like subcontracting objectives, expectations, and standards for the so-called "Federal norm" that, in effect, requires DOE's management and operating contractors to follow certain Federal-oriented prescribed procedures in their award of subcontracts; and elimination of the reference concerning General Accounting Office protest jurisdiction over such subcontract awards. Rather, this amendment of the earlier notice deals with administrative matters, mostly technical, that DOE reserved for further analysis and action during the public comment period. DOE today amends its notice of proposed rulemaking to redesignate most of the requirements of DEAR 970.7104 to two other subsections of the DEAR and to eliminate certain of them. The amendment also moves two paragraphs previously set forth in DEAR 970.7104 to another existing subsection.

DATES: Written comments on this amended notice of proposed rulemaking must be received on or before May 30, 1995. Comments on today's amendment should be submitted separately from those related to the March 2, 1995, notice of proposed rulemaking. This is necessary as the Department may elect to finalize those portions of the March 2 rule, which are unaffected by today's amendment, in more than one stage.

ADDRESSES: Comments on the proposed rulemaking should be sent to the following address: U.S. Department of

Energy, Office of Contractor Management and Administration (HR-55), Attention: James J. Cavanagh, 1000 Independence Avenue SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: James J. Cavanagh, Office of Contractor Management and Administration (HR-55), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585; telephone 202-586-8257.

SUPPLEMENTARY INFORMATION:

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- II. Section-by-Section Analysis.
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- IV. Procedural Requirements.

I. Background

On March 2, 1995, DOE published in the **Federal Register** (60 FR 11646) a notice of proposed rulemaking. That notice proposed to amend the DEAR to modify requirements for management and operating contractor purchasing systems. Principally, DEAR subpart 970.71 is being amended to identify certain purchasing system objectives and standards, eliminate the application of the "Federal norm," place greater reliance on commercial practices, and remove the provisions concerning General Accounting Office protest jurisdiction over management and operating contractor subcontract awards.

Today's notice does not alter any of the above-described principal provisions of the proposed amendments. The main focus of this notice is an administrative matter discussed in the Supplementary Information section of the March 2 notice and reserved for further analysis and action during the comment period. That issue is whether to eliminate DEAR § 970.7104.

The March 2 proposed rulemaking stated:

Section 970.7104, Conditions of purchasing by management and operating contractors, is removed. DOE believes it is not necessary to retain this section since many of the requirements comply with provisions of statutes and are already reflected in contract clauses. These requirements, will therefore, continue to be applicable as contractual requirements. Some of the requirements, however, are not specifically prescribed in other parts of the DEAR. The Department will review such requirements prior to finalization of this proposed rule and may redesignate appropriate paragraphs, in the final rule, to other parts of the DEAR, if necessary. If such requirements are identified, the Department will publish a **Federal Register** notice, prior to issuing a final rule, listing the paragraphs being considered for redesignation.