

and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-NM-210-AD." The postcard will be date stamped and returned to the commenter.

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 "significant regulatory action" under Executive Order 12866; (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 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 USC 106(g), 40101, 40113, 44701.

#### **§ 39.13 [Amended]**

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

95-23-08 Avro International Aerospace (Formerly British Aerospace): Amendment 39-9428. Docket 95-NM-210-AD.

*Applicability:* Model BAe 146 series airplanes; having constructors' numbers E2188, E2192, E3190, and E3194; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 (d) of this AD 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 cracking and other problems associated with a decrease in the long-term damage tolerance residual strength of the wing, accomplish the following:

(a) Prior to the accumulation of 36,000 total landings or within 3 months after the effective date of this AD, whichever occurs later, remove the 4 fasteners from the rib 2 butt strap on the lower wing surface of the right-hand wing and accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD, in accordance with Avro Service Bulletin 57-40, dated March 19, 1994:

(1) Perform an eddy current inspection of each of the fastener holes to detect cracking.

(2) Perform a visual inspection of each of the fastener holes to detect evidence of damage, such as scoring that has resulted from removal of the bolts; and to check the diameter of each hole to determine if it is within the allowable tolerance specified in the service bulletin.

(b) If the fastener hole is free of cracks and damage, and if the hole's diameter is within the allowable tolerance, prior to further flight, install a new bolt in accordance with the service bulletin. Thereafter, repeat the inspections specified in paragraph (a) of this AD at intervals not to exceed 9,000 landings.

(c) If the hole is cracked or shows evidence of damage, or if the hole's diameter is outside the allowable tolerance, prior to further flight, oversize the hole, clean out the damage, and install a new bolt, in accordance with the service bulletin. Thereafter, repeat the inspections specified in paragraph (a) of this AD at intervals not to exceed 9,000 landings.

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

(e) Special flight permits may be issued in accordance with §§ 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.

(f) The actions shall be done in accordance with Avro Service Bulletin 57-40, dated March 18, 1994. 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 British Aerospace Holdings, Inc., Avro International Aerospace Division, P.O. Box 16039, Dulles International Airport, Washington, DC 20041-6039. 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 December 1, 1995.

Issued in Renton, Washington, on November 6, 1995.

Darrell M. Pederson,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-27912 Filed 11-15-95; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### 43 CFR Part 12

#### Cost Principles for State, Local and Tribal Governments; Clarification of Policy

AGENCY: Office of the Secretary, Interior.

**ACTION:** Clarification of applicability of policy.

**SUMMARY:** This document provides clarification of Departmental policy concerning the applicability of the final revision of OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments," published on May 17, 1995 (60 FR 26484-26507). It is the intent of the Department that this revised version of OMB Circular A-87 apply to awards made by the Department and its bureaus and offices as applicable.

**EFFECTIVE DATE:** The clarification of the applicability of the policy is effective November 16, 1995.

**FOR FURTHER INFORMATION CONTACT:** Debra E. Sonderman (Director, Procurement and Property Management Systems), (202) 208-3336.

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget published a revised version of Circular A-87 on May 17, 1995 (60 FR 26484-26507).

Paragraph 7, *Required Action*, of the final revision of the Circular requires that agencies issue codified regulations implementing the provisions of the Circular by September 1, 1995. The Department already has published permanent regulations incorporating the Circular. See 43 CFR 12.2(b)(1). 43 CFR 12.12(c) also makes any changes to the Circular published in the Federal Register a part of the regulation.

The Department adopted the Common Rule on "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" at 43 CFR Part 12, Subpart C. In addition, promulgation of the regulation, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations," in subpart F, implements OMB Circular A-110.

Both of these regulations refer to OMB Circular A-87 as being the applicable directive for cost principles for State and local governments. Neither regulation identifies the specific version of the Circular to which it is referring. Nevertheless, because the Department's regulatory language at 43 CFR 12.12(c) indicates that any changes published in the Federal Register apply, the Department interprets our regulation to mean that the May 17, 1995, publication of the revised OMB Circular A-87 applies, according to the conditions stated in the Circular.

Therefore, the Department is clarifying that the May 17, 1995, version of the Circular is adopted without any further promulgation of regulations.

Until OMB issues another version, any reference to OMB Circular A-87 after the effective date for the Circular means the May 17, 1995, version.

Dated: October 28, 1995.  
Bonnie R. Cohen,  
*Assistant Secretary—Policy, Management and Budget.*  
[FR Doc. 95-28288 Filed 11-15-95; 8:45 am]  
BILLING CODE 4310-RF-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 49 CFR Part 384

[FHWA Docket No. MC-93-9]

RIN 2125-AD70

#### State Compliance With Commercial Driver's License Program

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final Rule, Technical Amendment.

**SUMMARY:** The FHWA is changing the applicability date of 49 CFR 384.231(b)(2) from October 1, 1995, to May 18, 1997, in order to allow the States additional time to solve the problem of disqualifying commercial motor vehicle (CMV) operators convicted of a disqualifying offense or offenses who do not possess a commercial driver's license (CDL) and for whom the State cannot identify a social security number (SSN).

**EFFECTIVE DATE:** November 16, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ronald Finn, Driver Division, Office of Motor Carrier Research and Standards (202) 366-0647, or Ms. Grace Reidy, Motor Carrier Law Division, Office of the Chief Counsel, (202) 366-0834, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Background

In 1986, Congress enacted the Commercial Motor Vehicle Safety Act (Pub. L. 99-570, 100 Stat. 3207-170, as amended; 49 U.S.C. 31302 *et seq.*) (the Act) to improve the safety of CMV drivers throughout the Nation. The goals of the Act are:

- (1) Prevent CMV drivers from concealing unsafe driving records by carrying licenses from more than one State,
- (2) Ensure that all CMV drivers demonstrate the minimum levels of

knowledge and skills needed to safely operate CMVs before being licensed, and

(3) Subject CMV drivers to new, uniform sanctions for certain unsafe driving practices.

To accomplish these goals, Congress assigned responsibilities and deadlines to CMV drivers, employers, States, and the Secretary of Transportation. All responsibilities of the Secretary of Transportation in the Act were delegated to the FHWA. The responsibilities imposed on the States were enumerated in section 12009(a) of the Act (49 U.S.C. 31311). An additional requirement, bringing the number to 17, was later added to 49 U.S.C. 31311 by the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240, 105 Stat. 1914).

A notice of proposed rulemaking (NPRM) was published in the Federal Register (58 FR 34344) on June 24, 1993. It proposes standards which States would have to meet in order to be in compliance with the Act and avoid the loss of Federal-aid highway funds. This NPRM proposes amending title 49 of the Code of Federal Regulations to include a whole new part 384 in which to delineate all the compliance requirements imposed on the States by the Act. This part would also specify the State procedures for determining whether a State was in compliance with the Act.

A final rule reiterating these standards and procedures with some minor adaptations and clarifications was published in the Federal Register (59 FR 26029) on May 18, 1994. As a result of this rulemaking, the States are required by 49 CFR 384.231 (b) and (c) to disqualify expeditiously a person convicted of the offenses enumerated in 49 CFR 383.51(b)(2) (i) through(v). In addition, the State must make a record of the disqualification and provide certain specific personal identifier information on the convicted individual to the Commercial Driver's License Information System (CDLIS) (49 CFR 384.231(d)).

*Petition:* Mr. John Strandquist, President and Chief Executive Officer of the American Association of Motor Vehicle Administrators (AAMVA), filed a petition on August 23, 1995, asking that the effective date for 49 CFR 384.231(b)(2), regarding disqualification of non-CDL holders, be changed from October 1, 1995, to September 1, 1996. Mr. Strandquist explained that the CDLIS computer record specifications require that the State include the operator's SSN as part of the master pointer record. However, the current requirements in 49 CFR part 383 do not