

a severely contaminated airplane fuel system and the associated increased potential for engine power loss, accomplish the following:

(a) For all Model 747-400 series airplanes: Within 60 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

"Respond to the EICAS STATUS CUE by checking for the following status level messages(s):

ENG 1 FUEL FILT
ENG 2 FUEL FILT
ENG 3 FUEL FILT
ENG 4 FUEL FILT

If more than one of these impending fuel filter bypass messages is displayed, airplane fuel system contamination may be present, which can result in erratic engine operation and engine flameout.

If other status level messages are displayed, the flight crew may deal with them in accordance with the appropriate operator procedure."

(b) For all Model 757 series airplanes, and Model 767 series airplanes powered by General Electric CF6-80A and CF6-80C2 engines, Pratt & Whitney PW 4000 engines, and Rolls-Royce RB211-524 engines: Within 60 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

"Respond to the EICAS STATUS CUE by checking for the following status level messages(s):—

R ENG FUEL FILT —
L ENG FUEL FILT

If more than one of these impending fuel filter bypass messages is displayed, airplane fuel system contamination may be present, which can result in erratic engine operation and engine flameout.

If other status level messages are displayed, the flight crew may deal with them in accordance with the appropriate operator procedure."

(c) For Model 767 series airplanes powered by Pratt & Whitney JT9D engines: Within 60 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

"If both of the following EICAS advisory level messages for impending fuel filter bypass are displayed, and engine fuel icing is not suspected (based on the fuel temperature being too high or because engine fuel heat has been selected "on"), airplane fuel system contamination may be present, which can result in erratic engine operation and engine flameout:—

R ENG FUEL FILT —
L ENG FUEL FILT"

(d) For all Model 747-400 series airplanes; all Model 757 series airplanes; and Model 767 series airplanes powered by General Electric CF6-80A and CF6-80C2 engines, Pratt & Whitney PW 4000 engines, and Rolls-

Royce RB211-524 engines: Accomplish the requirements of paragraph (d)(1) and (d)(2) of this AD: —

(1) Within 4 years after the effective date of this AD, install an upgraded engine indication and crew alerting system (EICAS) computer that will provide "advisory" level messages to the flight crew to indicate an impending engine fuel filter bypass condition for each engine. The installation shall be accomplished in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. —

(2) Concurrent with the installation required by paragraph (d)(1) of this AD, remove the AFM revisions required by paragraphs (a) and (b) of this AD, and revise the Limitations Section of the AFM to advise the flight crew that impending engine fuel filter bypass advisory level messages for multiple engines may indicate contamination of the airplane fuel system, which can result in erratic engine operation and engine flameout. The revision to the Limitations Section must be approved by the Manager, Seattle ACO, FAA, Transport Airplane Directorate. —

(e) 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 ACO, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Seattle ACO. —

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

(f) 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. —

(g) This amendment becomes effective on May 3, 1996.

Issued in Renton, Washington, on March 27, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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Federal Highway Administration

23 CFR Part 230

[FHWA Docket No. 82-19]

RIN 2125-AB15

Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services); Report Requirements

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; technical amendments.

SUMMARY: This document amends the current regulation on recordkeeping and reporting requirements for on-the-job training on Federal-aid construction contracts which require contractors to submit Form FHWA-1409, Federal-Aid Highway Construction Contractor's Semi-Annual Training Report, and State highway agencies to complete and submit Form FHWA-1410, Federal-Aid Highway Construction Semi-Annual Training Report. This amendment eliminates these reporting requirements in order to reduce the administrative burden on contractors as well as States. Additionally, the Office of Management and Budget approval for these forms under the Paperwork Reduction Act has lapsed, and as a matter of common industry practice, compliance by construction contractors and States is not required.

EFFECTIVE DATE: May 3, 1996.

FOR FURTHER INFORMATION CONTACT:

Linda J. Brown, Chief, Policy and Program Development Division, Office of Civil Rights, 202-366-0471, or Will Baccus, Office of Chief Counsel, 202-366-1396, 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: On November 22, 1982, the FHWA published an NPRM in the Federal Register (47 FR 52470). The rulemaking sought comments on the elimination of unnecessary and burdensome recordkeeping requirements being imposed on State highway agencies and construction contractors. The data and information received during the comment period and analysis initiated by the FHWA indicate that elimination of the reporting requirement regarding on-the-job training on Federal-aid construction contracts (23 CFR 230.121(d)(1) and (2)) would not adversely impact other areas of the equal opportunity program as these reports are not used for any related purpose e.g., contract compliance determination or compilation of any report on the status of civil rights programs.

Twenty-nine comments were submitted to the docket. State transportation agencies, contractors, contractors associations, unions, and other interested parties that commented to the docket overwhelmingly supported the elimination of these recordkeeping and reporting requirements. Also, current industry practice reflect the views of the commenters regarding the

elimination of these recordkeeping and reporting requirements.

The FHWA agrees with the commenters since FHWA's goal is to avoid imposing undue administrative burdens on the State highway agencies and contractors while carrying out its equal opportunity program responsibilities. The FHWA believes that amendment would have a positive economic impact on contractors and State highway agencies as well as the FHWA itself.

Additionally, the FHWA has convened an implementation team on civil rights regulations. The team consists of representatives from FHWA's headquarters and field offices, whose goal is to review, streamline, and simplify civil rights regulations and to integrate civil rights requirements with other program requirements. As a result of the team effort, an NPRM will be published in 1996 to solicit comments on the proposed revisions to the civil rights regulations.

Rulemaking Analyses and Notices

The NPRM upon which this final action is in part based was published in 1982. The FHWA believes that further notice and opportunity to comment are not necessary because the comments received support elimination of these recordkeeping requirements, the common practice now is not to require compliance with these requirements, and removal of these requirements is consistent with the requirements of the Paperwork Reduction Act and the President's Regulatory Reinvention Initiative to reduce regulatory burdens.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of the Department of Transportation's regulatory policies and procedures. This rulemaking would result in the elimination of FHWA regulations requiring contractors and State highway agencies to submit semi-annual reports regarding on-the-job training. This rulemaking eliminating these regulations will lessen an economic burden imposed on these entities by these recordkeeping and reporting requirements, but it will not cause any significant changes to the amount of funding available to the State highway agencies. Thus, it is

anticipated that the economic impact of this rulemaking will be minimal. In addition, it will not create a serious inconsistency with any other agency's action or materially alter the budgetary impact of any entitlement, grants, user fees, or loan programs; nor will elimination of these regulations raise any novel legal or policy issues. Therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this rule on small entities. Repeal of the recordkeeping and reporting requirements that are the subject of this rulemaking will eliminate an administrative burden currently being imposed on State highway agencies and construction contractors. Some of these contractors most likely qualify as "small entities" as defined in section 601 of the Regulatory Flexibility Act. However, we believe that the lessening of the administrative burden that will result from this rulemaking will not result in a significant economic impact on these small entities. Thus, the FHWA hereby certifies that this regulatory action will not have significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rule will not have sufficient federalism implications to warrant the preparation of a federalism assessment. Elimination of these recordkeeping and reporting requirements will not preempt any State law or State regulation. No additional costs or burdens would be imposed on the States as a result of this action, and the States' ability to discharge traditional State governmental functions would not be affected by this rulemaking.

Executive Order 12374 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. In fact, this rulemaking eliminates two information collection requirements.

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

Lists of Subjects in 23 CFR Part 230

Equal employment opportunity, Grant programs— transportation, Highways and roads, Minority businesses, Reporting and recordkeeping requirements.

Issued on: March 25, 1996.

Rodney E. Slater,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA amends title 23, Code of Federal Regulations, part 230 as set forth below.

PART 230—EXTERNAL PROGRAMS

1. The authority citation for part 230 is combined at the part level and revised to read as follows and all other authority citations which appear throughout part 230 are removed:

Authority: 23 U.S.C. 101, 140, and 315; 42 U.S.C. 2000d et seq.; 49 CFR 1.48 and 60–1.

§ 230.121 [Amended]

2. In § 230.121, paragraph (d) is removed and reserved.

Appendices E and F to Subpart A [Removed and reserved]

3. In part 230, subpart A, Appendices E and F are removed and reserved.

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