

**Executive Order 12778**

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**List of Subjects in 9 CFR Part 94**

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 is amended as follows:

**PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS**

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

**§ 94.1 [Amended]**

2. In § 94.1, paragraph (a)(2) is amended by removing “and Trust Territory of the Pacific Islands” and adding “Trust Territory of the Pacific Islands, and Uruguay” in its place.

**§ 94.11 [Amended]**

5. In § 94.11, paragraph (a), the first sentence is amended by removing “and Switzerland” and adding “Switzerland, and Uruguay” in its place.

Done in Washington, DC, this 26th day of October 1995.

Lonnie J. King,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-27009 Filed 10-31-95; 8:45 am]

BILLING CODE 3410-34-P

**9 CFR Part 161**

[Docket No. 94-027-3]

**Standards for Accredited Veterinarian Duties**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Technical amendment.

**SUMMARY:** We are making a technical amendment to correct an omission in the regulations regarding standards for accredited veterinarians.

**EFFECTIVE DATE:** November 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dr. J.A. Heamon, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD, 20737-1231; (301) 734-6954.

**SUPPLEMENTARY INFORMATION:**

**Background**

In accordance with 9 CFR parts 160, 161, and 162 (referred to below as the regulations), some veterinarians are accredited by the Federal Government to cooperate with the Animal and Plant Health Inspection Service (APHIS) in controlling and preventing the spread of animal diseases throughout the country and internationally. Accredited veterinarians use their professional training in veterinary medicine to perform certain regulatory tasks.

As part of a final rule published in the Federal Register on August 4, 1995 (60 FR 39840-39842, Docket No. 94-027-2), and effective September 5, 1995, we revised the regulations in § 161.3(a) to allow accredited veterinarians to issue official animal health documents for up to 30 days after inspecting animals in herds or flocks under regular health maintenance programs and for up to 10 days after inspecting all other animals. When we revised that paragraph, we inadvertently failed to retain the provisions of the original paragraph that specified the conditions under which the subject animal must be inspected. It was never our intention to remove or modify those conditions, and no changes to those conditions were discussed in the final rule or in the proposed rule that preceded it (60 FR 13084-13086, Docket No. 94-027-1, published March 10, 1995). We are, therefore, amending the introductory text of § 161.3(a) to restore those provisions regarding the location and manner in which animals must be inspected.

**List of Subjects in 9 CFR Part 161**

Reporting and recordkeeping requirements, Veterinarians.

Accordingly, 9 CFR part 161 is amended as follows:

**PART 161—REQUIREMENTS AND STANDARDS FOR ACCREDITED VETERINARIANS AND SUSPENSION OR REVOCATION OF SUCH ACCREDITATION**

1. The authority citation for part 161 continues to read as follows:

Authority: 15 U.S.C. 1828; 21 U.S.C. 105, 111-114, 114a, 114a-1, 115, 116, 120, 121, 125, 134b, 134f, 612, and 613; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 161.3, at the end of the introductory text of paragraph (a), two new sentences are added after the first sentence to read as follows:

**§ 161.3 Standards for accredited veterinarian duties.**

\* \* \* \* \*

(a) \* \* \* Inspections under this paragraph must be conducted in a location that allows the accredited veterinarian sufficient space to observe the animal in such a manner as to detect abnormalities related to areas such as, but not limited to, locomotion, body excretion, respiration, and skin conditions. An accredited veterinarian shall examine each animal showing abnormalities, in order to determine whether or not there is clinical evidence compatible with the presence or absence of a communicable disease.

\* \* \* \* \*

Done in Washington, DC, this 26th day of October 1995.

Lonnie J. King,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-27008 Filed 10-31-95; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 92-ASW-01-AD; Amendment 39-9417; AD 95-22-09]

**Airworthiness Directives; Boeing Defense and Space Group Helicopter Division Model 234 Series Helicopters**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to Boeing Defense and Space Group Helicopter Division (Boeing) Model 234 series helicopters, that currently requires inspections of the

forward and aft transmission first stage sun and spiral bevel ring gear bolted connection (bolted connection). This amendment requires a revision to the inspection intervals and criteria used during these inspections, as well as adds a visual inspection of the pinion and spiral bevel ring gear. This amendment is prompted by reports that certain of the affected helicopters have been discovered with loose nuts on the bolted connection more frequently than was anticipated in the previous AD. The actions specified by this AD are intended to prevent wear of the spiral bevel ring gear flange surface, failure of the bolted connection, transmission failure, and subsequent loss of control of the helicopter.

**EFFECTIVE DATE:** December 6, 1995.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Defense and Space Group Helicopter Division, P.O. 16858, Philadelphia, PA 19142-0858. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Raymond Reinhardt, Aerospace Engineer, FAA, New York Aircraft Certification Office, Airframe and Propulsion Branch, ANE-171, New England Region, 10 Fifth Street, Valley Stream, New York 11581, telephone (516) 256-7532, fax (516) 568-2716.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 84-22-04, Amendment 39-4943 (49 FR 44093, November 2, 1984), which is applicable to Boeing Model 234 series helicopters, was published in the Federal Register on August 19, 1992 (57 FR 37481). That action proposed to require, within 10 hours time-in-service (TIS) or prior to the accumulation of 150 hours TIS for helicopters that conduct six or more landings, ground-air-ground cycles, or external load lifts per hour, or any combination thereof: (1) An initial Spectrometric Oil Analysis Program (SOAP) sample inspection; (2) a visual inspection of the pinion and spiral bevel ring gear teeth for scuffing; (3) an initial bolt torque inspection of the bolted connection; and (4) thereafter, repetitive inspections at 25 hours TIS or 50 hours TIS depending on the torque values present on the nuts of the bolted connection when the previous inspection was conducted.

Additionally, that action proposed to

require, within 50 hours TIS or prior to the accumulation of 500 hours TIS for helicopters that conduct less than six landings, ground-air-ground cycles, or external load lifts per hour or any combination thereof: (1) An initial SOAP sample inspection; (2) a visual inspection of the pinion and spiral bevel ring gear teeth for scuffing; (3) an initial bolt torque inspection of the bolted connection; and (4) repetitive inspections at 100 hours TIS or 300 hours TIS depending on the torque values present on the nuts of the bolted connection when the previous inspection was conducted.

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

The commenter requests an increase in the TIS before the initial inspections from 150 to 200 hours TIS, and from 50 to 100 hours TIS between the repetitive inspections, and deletion of the proposed requirement for a SOAP inspection. The commenter states that with the repairs they have made and by using improved lubricants, their experience shows that the interval between inspections can be extended. The commenter also states that SOAP inspections are already being performed; therefore, a SOAP inspection should not be required. The FAA neither concurs with increasing the initial nor repetitive inspection intervals, nor does it concur in the commenter's position that SOAP inspections should not be required.

After an analysis of the manufacturer's recommendations and the affected helicopter usage, the FAA has determined that helicopters involved in operations that require constant power changes such as logging, heavy lift operations, or several ground-air-ground cycles for each flight hour are more likely to be subject to the nut loosening or gear teeth scuffing conditions and at a faster rate. Therefore, inspection intervals are spaced such that early detection of any unsafe condition or unairworthy part is more likely to occur.

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, except for reorganizing and editorial changes.

The FAA estimates that 7 helicopters of U.S. registry will be affected by this AD, that it will require 100 SOAP and 100 torque inspections per year per helicopter, and that it will take approximately 2 work hours with a crew of 2 per helicopter to accomplish the 50 hour TIS inspection, and 1 work hour

with 1 person per helicopter to accomplish the SOAP sample inspection. The average labor rate is \$60 per work hour. Based on these figures, the total cost of the AD on U.S. operators is estimated to be \$210,000 per year.

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, 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 U.S.C. 106(g), 40101, 40113, 44701.

#### **§ 39.13 [Amended]**

2. Section 39.13 is amended by removing Amendment 39-4943 (49 FR 44093, November 2, 1984), and by adding a new airworthiness directive (AD), Amendment 39-9417, to read as follows:

AD 95-22-09 Boeing Defense and Space Group Helicopter Division: Amendment 39-9417. Docket No. 92-ASW-01-AD. Supersedes AD 84-22-04, Amendment 39-4943.

**Applicability:** Model 234 series helicopters, with forward rotor transmission, part numbers (P/N) 234D1200-2, -3, or -4, or aft rotor transmission, P/N 234D2200-3 or -4, installed, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters 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 helicopter from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent wear of the spiral bevel ring gear flange surface, failure of the bolted connection, transmission failure, and subsequent loss of control of the helicopter, accomplish the following:

(a) For helicopters that perform six or more landings, ground-air-ground cycles, or external load lifts per hour, or any combination thereof, conduct the following:

(1) Within the next 10 hours time-in-service (TIS) after the effective date of this AD, or prior to the accumulation of 150 hours TIS since installed or since the last disassembly of the spiral bevel ring gear bolted connection, whichever occurs later, accomplish the following:

(i) Conduct a Spectrometric Oil Analysis Program (SOAP) sample inspection in accordance with the applicable maintenance manual.

(ii) Visually inspect the pinion and spiral bevel ring gear teeth for scuffing. If scuffing is found, remove both the pinion and the first stage sun and spiral bevel ring gear assemblies, disassemble the gear assemblies, inspect them in accordance with the applicable overhaul manual, and replace unairworthy parts.

(iii) Perform a bolt torque inspection of the bolted connection in accordance with the applicable maintenance manual.

(2) Repeat the inspections required by paragraph (a)(1) at intervals not to exceed 50 hours TIS if no nuts in the bolted connection rotate at a torque below 350 in.-lb.

(3) Repeat the inspection required by paragraph (a)(1) at intervals not to exceed 25 hours TIS if no more than two nuts in the bolted connection rotate at a torque below 350 in.-lb., but above 275 in.-lb.

(4) Replace the transmission with an airworthy transmission prior to further flight if three or more nuts in the bolted connection rotate at a torque below 350 in.-lb., or if any nut rotates at a torque at or below 275 in.-lb.

(5) Conduct supplementary SOAP sample inspections at intervals not to exceed 25

hours TIS after the last SOAP sample inspection.

(b) For helicopters that perform less than six landings, ground-air-ground cycles, or external load lifts per hour, or any combination thereof, conduct the following inspections:

(1) Within the next 50 hours TIS after the effective date of this AD, or prior to the accumulation of 500 hours TIS since installed or since the last disassembly of the spiral bevel ring gear bolted connection, whichever occurs later, accomplish the following:

(i) Conduct a SOAP sample inspection in accordance with the applicable maintenance manual.

(ii) Visually inspect the pinion and spiral bevel ring gear teeth for scuffing. If scuffing is found, remove both the pinion and the first stage sun and spiral bevel ring gear assemblies, disassemble the gear assemblies, inspect them in accordance with the applicable overhaul manual, and replace unairworthy parts.

(iii) Perform a bolt torque inspection of the bolted connection in accordance with the applicable maintenance manual.

(2) Repeat the inspections required by paragraph (b)(1) at intervals not to exceed 300 hours TIS if no nuts in the bolted connection rotate at a torque below 350 in.-lb.

(3) Repeat the inspections required by paragraph (b)(1) at intervals not to exceed 100 hours TIS if no more than two nuts in the bolted connection rotate at a torque below 350 in.-lb, but above 275 in.-lb.

(4) Replace the transmission with an airworthy transmission prior to further flight if three or more nuts in the bolted connection rotate at a torque below 350 in.-lb., or if any nut rotates at a torque at or below 275 in.-lb.

(5) Conduct supplementary SOAP sample inspections at intervals not to exceed 50 hours TIS after the last SOAP sample inspection.

Note 2: Boeing Helicopters Service Bulletin No. 234-63-1010, Revision 4, dated January 31, 1992, pertains to this AD. Boeing 234-2 Maintenance Manual, section 63-25-50, pertains to this AD. Boeing 234-5 Overhaul Manual pertains to this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, New York Aircraft Certification Office. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, New York Aircraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York Aircraft Certification Office.

(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 helicopter to a location where the requirements of this AD can be accomplished.

(e) This amendment becomes effective on December 6, 1995.

Issued in Fort Worth, Texas, on October 23, 1995.

Eric Bries,

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 95-26892 Filed 10-31-95; 8:45 am]

BILLING CODE 4910-13-U

## 14 CFR Part 71

[Airspace Docket No. 95-ASO-17]

### Amendment to Class E Airspace; Leesburg, FL

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment modifies the Class E airspace area at Leesburg, FL, to accommodate a NDB RWY 31 Standard Instrument Approach Procedure (SIAP) for the Leesburg Municipal Airport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for instrument flight rules (IFR) operations at the airport.

**EFFECTIVE DATE:** 0901 UTC, January 4, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Benny L. McGlamery, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5570.

**SUPPLEMENTARY INFORMATION:**

**History**

On August 21, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by modifying class E airspace at Leesburg, FL (60 FR 43420). This action would provide adequate Class E airspace for IFR operations at the Leesburg Municipal Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995. The Class E airspace designation listed in this document will be published subsequently in the Order.