

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]

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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.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) modifies Class E airspace at Leesburg, FL, to accommodate a NDB RWY 31 SIAP and for IFR operations at the Leesburg Municipal Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet above the surface of the earth.

* * * * *

ASO FL E5 Leesburg, FL [Revised]

Leesburg Municipal Airport
(Lat. 28°49'22" N, long. 81°48'33" W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Leesburg Municipal Airport.

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Issued in College Park, Georgia, on October 20, 1995.

Benny L. McGlamery,
Acting Manager, Air Traffic Division, South Region.

[FR Doc. 95–26988 Filed 10–31–95; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 87C–0316]

Listing of Color Additives Exempt From Certification; Astaxanthin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; response to objection and denial of the request for a hearing; removal of stay for certain provisions.

SUMMARY: The Food and Drug Administration (FDA) is responding to an objection and is denying the request that it has received for a hearing on the final rule that amended the color additive regulations to authorize the use of astaxanthin as a color additive in the feed of salmonid fish to enhance the color of their flesh. The objection concerns a specification and the requirement for labeling of salmonid fish that have been fed feeds that contain the color additive. After reviewing the objection to the final rule, the agency has concluded that the objection does not raise issues of material fact that justify granting a hearing. The agency also is establishing a new effective date for these two provisions of this color additive regulation, which were stayed by a document that published on August 14, 1995.

EFFECTIVE DATE: 21 CFR 73.35(b) and (d)(3), previously stayed (60 FR 41805, August 14, 1995) because of an objection regarding a specification and a labeling requirement, respectively, are effective November 1, 1995.

FOR FURTHER INFORMATION CONTACT: James C. Wallwork, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3078.

SUPPLEMENTARY INFORMATION:

I. Introduction

In the Federal Register of April 13, 1995 (60 FR 18736), FDA issued a final rule permitting the use of astaxanthin as a color additive in the feed of salmonid

fish to enhance the color of their flesh. This regulation, codified at 21 CFR 73.35, was issued in response to a color additive petition filed by Hoffmann-La Roche, Inc., in the Federal Register of December 2, 1987 (52 FR 45867). In the preamble to the final rule, FDA discussed the safety basis for the agency's decision to list this use of astaxanthin and responded to 21 letters containing comments to the petition.

II. Objections and Requests for a Hearing

A manufacturer filed a timely objection to two provisions of the regulation and requested a formal evidentiary hearing on the issues raised in its objection. The manufacturer sought to amend the specifications for astaxanthin, specifically requesting that the 4 percent specification for carotenoids other than astaxanthin be changed to 40 percent. The manufacturer also sought to amend the labeling requirements for astaxanthin by removal of the requirement to label the presence of the color additive, in accordance with §§ 101.22(k)(2) and 101.100(a)(2) (21 CFR 101.22(k)(2) and 101.100(a)(2)), in salmonid fish that were fed feeds containing astaxanthin. The agency announced the stay of the two affected paragraphs of the regulation, namely § 75.73(b) and (d)(3), in the Federal Register of August 14, 1995 (60 FR 41805). In that document the agency confirmed the effective date of May 16, 1995, for the remainder of the regulation.

III. Standards for Granting a Hearing

Sections 701(e)(2) and 721(d) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 371(e)(2) and 379e(d)) provide that, within 30 days after publication of an order relating to a color additive regulation, any person adversely affected by such an order may file objections, specifying with particularity the provisions of the order "deemed objectionable, stating the grounds therefor," and requesting a public hearing based upon such objections. FDA may deny a hearing request if the objections to the regulation do not raise genuine and substantial issues of fact that can be resolved at a hearing *Community Nutrition Institute v. Young*, 773 F.2d 1356, 1364 (D.C. Cir. 1985), *cert. denied*, 475 U.S. 1123 (1986).

Specific criteria for determining whether a request for a hearing is justified are set forth in § 12.24(b) (21 CFR 12.24(b)). A hearing will be granted if the material submitted by the requester shows that: