

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

The number of requests for overtime services of a VS employee at the location affected by our rule represents an insignificant portion of the total number of requests for these services in the United States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations, or policies that conflict with its provisions or that would otherwise impede its full implementation. This rule is not intended to have retroactive effect. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule or the application of its provisions.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 97

Exports, Government employees, Imports, Livestock, Poultry and poultry products, Travel and transportation expenses.

Accordingly, 9 CFR part 97 is amended as follows:

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

1. The authority citation for part 97 continues to read as follows:

Authority: 7 U.S.C. 2260; 49 U.S.C. 1741; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 97.2 is amended by adding in the table, in alphabetical order, under Montana, the following entry to read as follows:

§ 97.2 Administrative instruction prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES
[In hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
* Montana:	*	*	*
* Helena	*	*	1
* .	*	*	*

Done in Washington, DC, this 6th day of January 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-808 Filed 1-11-95; 8:45 am]

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9 CFR Part 112

[Docket No. 92-098-3]

Viruses, Serums, Toxins, and Analogous Products; Packaging and Labeling

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; postponement of effective date.

SUMMARY: This document postpones the effective date, upon which the final rule on the packaging and labeling of veterinary biological products takes effect, from February 21, 1995, to August 19, 1995. Upon the effective date, the final rule prohibits the repackaging and relabeling, for further sale or distribution, of final containers of product that are imported or that are packaged at licensed establishments in cartons or other containers. The extension of the effective date is necessary in order to allow a sufficient transition period and to ensure the continued availability of single-dose veterinary biologics.

EFFECTIVE DATE: The effective date of the final rule is postponed from February 21, 1995, to August 19, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. David A. Espeseth, Deputy Director, Veterinary Biologics, BBEP, APHIS, USDA, PO Drawer 810, Riverdale, MD

20738. The telephone number for the agency contact will change when agency offices in Hyattsville, MD, move to Riverdale, MD, during January 1995. Telephone: (301) 436-8245 (Hyattsville); (301) 734-8245 (Riverdale).

SUPPLEMENTARY INFORMATION: Under authority of the Virus-Serum-Toxin Act (21 U.S.C. 151-159), as amended by the Food Security Act of 1985, the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, published a proposed rule on April 28, 1993 (58 FR 25786-25788, Docket No. 92-098-1) on the packaging and labeling of veterinary biologics. During the 60-day comment period, thirty-nine comments were received. Thirty-six comments were in support of the rule; three were not. The final rule was published on August 24, 1994 (59 FR 43441-43445, Docket No. 92-098-2). Unless otherwise exempted, the final rule prohibits the repackaging and relabeling, for further sale or distribution, of final containers of veterinary biologics that are imported or that are prepared in licensed establishments. The effective date of the final rule that was published on August 24, 1994, was to have been 180 days after the date of publication or February 21, 1995.

Since the publication of the final rule, APHIS has received a large number of (in excess of 400) letters and numerous inquiries from congresspersons, a State governor, distributors, consumers, and representatives of kennel clubs and humane societies expressing concern that implementation of the final rule would result in a shortage of single-dose animal vaccines which could be sold without restriction. This shortage, it was claimed, would result in the failure to vaccinate a large number of animals that are currently vaccinated by owners. Based on these letters and inquiries and its own monitoring efforts, APHIS has determined that additional time is necessary to allow for coordination between producers and distributors of veterinary biologics in order to provide distributors and consumers with fully packaged and labeled single-dose biological products.

Therefore, the effective date of the final rule that was published at 59 FR 43441-43445, August 24, 1994, Docket No. 92-098-2, is postponed until August 19, 1995.

Authority: 21 U.S.C. 151-159; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 6th day of January 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-806 Filed 1-11-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94-ANE-59; Amendment 39-9113; AD 95-01-02]

Airworthiness Directives; Hartzell Model HC-B4 Series Propellers Installed on Mitsubishi MU-2 Series Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes three existing airworthiness directives (AD), applicable to Hartzell Model HC-B4TN-5(D,G,J)L/LT10282(B,K)-5.3R and HC-B4TN-5(D,G,J)L/LT10282N(B,K)-5.3R propellers installed on Mitsubishi MU-2 series aircraft. These AD's currently require replacement of existing LT10282(B,K)-5.3R propeller blades with LT10282N(B,K)-5.3R improved "N" configuration propeller blades, and repetitive inspection and rework when required of the inner hub arm bore. This amendment requires new repair limits, shot peening procedures, and retirement at 10,000 hours time in service for the "N" configuration blades. Additionally, this action requires replacement of existing propeller hubs with new improved fatigue strength steel hubs and requires inspection, and specified rework as necessary, of the new steel hubs at a repetitive interval of 3,000 hours time in service. This amendment is prompted by a determination that the current hub design and blade repair limits do not adequately protect against initiation of fatigue cracks in the propeller hub arm bore and do not prevent the resonant speed of the propeller from shifting into the permitted ground idle operating range. The actions specified by this AD are intended to prevent initiation of fatigue cracks in propeller assemblies and subsequent progression to propeller failure, with departure of the blade, or hub arm and blade, that may result in loss of aircraft control.

DATES: Effective January 27, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of January 27, 1995.

Comments for inclusion in the Rules Docket must be received on or before March 13, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94-ANE-59, 12 New England Executive Park, Burlington, MA 01803-5299.

The service information referenced in this AD may be obtained from Hartzell Propeller Inc., One Propeller Place, Piqua, OH 45356-2634; telephone (513) 778-4200, fax (513) 778-4391. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tomaso DiPaolo, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Room 232, Des Plaines, IL 60018; telephone (708) 294-7031, fax (708) 294-7834.

SUPPLEMENTARY INFORMATION: Airworthiness directive (AD) 93-01-09, Amendment 39-8463, effective April 20, 1993, applicable to Hartzell Model HC-B4TN-5(D,G,J)L/LT10282(B,K)-5.3R propellers installed on Mitsubishi MU-2 series aircraft was published in the **Federal Register** on March 26, 1993 (58 FR 16347). That action was prompted by three reports of propeller blades separating during flight. The manufacturer's investigation of the failed blades revealed that fatigue cracks could initiate at the radius end of the blade bearing bore. That condition, if not corrected, can result in fatigue cracks initiating and progressing to failure resulting in departure of the blade and possible loss of aircraft control.

That AD requires initial and repetitive inspections for fatigue cracks at the blade bearing bore. All affected propeller blades showing evidence of cracks or propeller blades not meeting acceptable rework criteria are required to be replaced with serviceable blades prior to further flight. Additionally, as a terminating action to the repetitive inspections, AD 93-01-09 requires replacement of existing LT10282(B,K)-5.3R propeller blades with LT10282N(B,K)-5.3R improved "N" configuration propeller blades at the next overhaul, or within 15 months of

the effective date of that AD (July 31, 1994), whichever occurs first. Propeller blades modified to the "N" configuration have design improvements in the blade bearing bore that reduce the susceptibility to corrosion and localized stresses. The modified blades also have additional thickness added to the blade inboard stations to reduce operating stresses. The FAA determined that long term continued operational safety would be better assured by actual modification of the propeller to remove the source of the problem rather than continuing with repetitive inspections.

On April 28, 1993, the FAA issued priority letter AD 93-09-04, applicable to both Hartzell Model HC-B4TN-5(D,G,J)L/LT10282(B,K)-5.3R and Model HC-B4TN-5(D,G,J)L/LT10282N(B,K)-5.3R propellers installed on Mitsubishi Model MU-2B-60 aircraft. That AD was published in the **Federal Register** on July 22, 1993 (58 FR 39139). That AD action was prompted by two reports of propeller hub arm assembly fatigue failures and subsequent hub arm and blade separation from aircraft in flight. Preliminary data indicated that fatigue cracks can originate in the propeller hub arm assembly.

That AD requires initial and repetitive removals from service of affected propeller hub assemblies for inspection and specified rework procedures before returning to service. That AD was an interim action until more data became available on the cause of propeller hub arm assembly failures.

On June 10, 1993, the FAA issued priority letter AD 93-12-01, also applicable to both Hartzell Model HC-B4TN-5(D,G,J)L/LT10282(B,K)-5.3R and Model HC-B4TN-5(D,G,J)L/LT10282N(B,K)-5.3R propellers installed on MU-2B-26A, -36A, and -40 aircraft. That AD was published in the **Federal Register** on September 29, 1993 (58 FR 50840). That action was prompted by a report of a hub assembly with a crack indication in the hub arm that was found during the inspection and rework required by AD 93-09-04. In addition, although not stated in AD 93-12-01, the FAA based AD 93-12-01 on flight strain survey investigations. Airworthiness Directive 93-12-01 cites the same safety concerns and requirements as AD 93-09-04 and was also an interim action until more data became available on the cause of propeller hub arm assembly failures.

Since the issuance of AD 93-09-04 and AD 93-12-01, the FAA determined that fretting can cause a fatigue crack to initiate in the propeller hub arms of the affected propellers. The fatigue crack