

Discussion

Textron Lycoming conducted new life analyses for various components in ALF502L series turbofan engines. Textron Lycoming has determined that stage 1 and stage 3-7 compressor disks, and stage 2 turbine disks require reduced retirement life limits. No failures have occurred in service on the ALF502L series engines, but inspections of these components from ALF502R series engines have found cracks prior to attaining current service retirement lives. This condition, if not corrected, could result in disk failure, which could result in an inflight engine shutdown and extensive engine damage.

On October 28, 1994, AlliedSignal Inc. purchased the turbine engine product line of Textron Lycoming, but as of this date the anticipated name change on the type certificate for the ALF502L series engines has not occurred. However, the service bulletins (SB) issued for these engines now bear the title, "AlliedSignal Engines." The Federal Aviation Administration (FAA) has reviewed and approved the technical contents of AlliedSignal Engines SB No. ALF 502 72-0004, Revision 12, dated November 30, 1994, that describes reduced retirement lives for affected components; and AlliedSignal Engines SB No. ALF502L 72-281, dated November 30, 1994, that describes a drawdown schedule for disks already beyond the reduced retirement life limits.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would establish reduced retirement life limits for stage 1 and stage 3-7 compressors disks, and stage 2 turbine disks, and provide a drawdown schedule for disks already beyond the reduced retirement life limits. The actions would be required to be accomplished in accordance with the service bulletins described previously.

There are approximately 184 engines of the affected design in the worldwide fleet. The FAA estimates that 50 engines installed on aircraft of U.S. registry would be affected by this proposed AD, and that the prorated reduced service life cost based on the cost of a new disk would be approximately \$16,400 per engine. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$820,000.

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting 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.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13—[Amended]

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

Textron Lycoming; Docket No. 94-ANE-56.

Applicability: Textron Lycoming ALF502L, L-2, L-2A, L-2C, and L-3 turbofan engines installed on but not limited to Canadair Challenger CL600 series aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent disk failure, which could result in an inflight engine shutdown and extensive engine damage, accomplish the following:

(a) Remove from service stage 1 and stage 3-7 compressor disks, and stage 2 turbine disks, in accordance with the drawdown schedule and procedures described in AlliedSignal Engines Service Bulletin (SB) No. ALF502L 72-281, dated November 30, 1994.

(b) This AD establishes new, reduced retirement life limits for stage 1 and stage 3-7 compressor disks, and stage 2 turbine disks, in accordance with AlliedSignal Engines SB

No. ALF 502 72-0004, Revision 12, dated November 30, 1994.

(c) 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, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

Issued in Burlington, Massachusetts, on February 16, 1995.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 944

[Docket No. 950222055-5055-01]

RIN 0648-AH92

Restricting or Prohibiting Attracting Sharks by Chum or Other Means in the Monterey Bay National Marine Sanctuary

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: The National Oceanic and Atmospheric Administration's Sanctuaries and Reserves Division (SRD) is considering amending the regulations for the Monterey Bay National Marine Sanctuary (MBNMS or Sanctuary) to restrict or prohibit the attracting of sharks by the use of chum or other means in the MBNMS. This advance notice of proposed rulemaking (ANPR) discusses the reasons SRD is considering restricting or prohibiting this activity in the MBNMS. Any restrictions or prohibitions SRD places on attracting sharks by the use of chum or other means would be to ensure that Sanctuary resources or qualities would not be adversely impacted and/or to avoid conflict among various users of the Sanctuary. SRD is issuing this ANPR

specifically to inform the public of the issue and course of action under consideration by SRD, and to invite submission of written information, advice, recommendations and other comments.

DATES: Comments must be received by March 30, 1995.

ADDRESSES: Comments should be sent to Elizabeth Moore, Sanctuaries and Reserves Division, National Oceanic and Atmospheric Administration, 1305 East West Highway, SSMC4, 12th Floor, Silver Spring, Maryland, 20910. Comments will be available for public inspection at the same address and at the Monterey Bay National Marine Sanctuary office at 299 Foam Street, Suite D, Monterey, California, 93940.

FOR FURTHER INFORMATION CONTACT: Elizabeth Moore at (301) 713-3141.

SUPPLEMENTARY INFORMATION: In recognition of the national significance of the unique marine environment centered around Monterey Bay, California, the MBNMS was designated on September 18, 1992. SRD issued final regulations, effective January, 1993, to implement the Sanctuary designation (15 CFR Part 944). The MBNMS regulations at 15 CFR 944.5(a) prohibit a relatively narrow range of activities to protect Sanctuary resources and qualities.

In January of 1994, SRD became aware that chum was being used to attract white sharks for viewing by SCUBA divers while in underwater cages. This activity occurred in the nearshore area off of Año Nuevo in the MBNMS, during the time of year white sharks come to feed. While California state law generally makes it unlawful to "take" (e.g., catch, capture, or kill) white sharks in state waters, it does not appear to address attracting sharks for other purposes, nor does it prohibit the taking of sharks in those portions of the MBNMS outside of state waters. SRD has also received expressions of concern over this activity and inquiries as to whether attracting sharks for viewing and other purposes is allowed in the MBNMS.

There is currently no MBNMS regulation specifically addressing the attracting of sharks in the MBNMS. There is a general regulatory prohibition against discharging or depositing any material or other matter in the Sanctuary. 15 CFR 944.5(a)(2). The discharge and deposit prohibition contains an exemption for, *inter alia*, the discharge or deposit of "fish, fish parts, chumming materials or bait used in or resulting from traditional fishing operations in the Sanctuary". While fishing activities in the Sanctuary are

subject to various Federal and state regulations, traditional fishing activities are not regulated as part of the Sanctuary regulatory regime. Sanctuary regulations that could indirectly regulate traditional fishing operations were specifically crafted to avoid doing so. Thus, while fishing vessels are subject to the general regulatory prohibition against discharging or depositing any material or other matter in the Sanctuary, the exemption for the discharge or deposit of "fish, fish parts, chumming materials or bait used in or resulting from traditional fishing operations in the Sanctuary" was designed to prevent the prohibition from indirectly regulating the conduct of traditional fishing operations. However, an argument has been raised that the phrase in the regulatory exemption "used in or resulting from" could be interpreted to allow the discharge or deposit of "fish, fish parts, chumming materials or bait" at any time or in conjunction with any activity, as long as the discharge or deposit is of the same material used by or generated during traditional fishing operations in the Sanctuary. As one option, SRD could amend the exemption for the discharge of "fish, fish parts, chumming materials or bait used in or resulting from traditional fishing operations in the Sanctuary" to clarify that it applies only to such discharges if they are incidental to and during the conduct of traditional fishing operations.

SRD, with input from its MBNMS Advisory Council, and a number of interested parties, has identified a number of concerns regarding the issue of attracting sharks within the MBNMS: (1) Attracting sharks by chum or other means may cause behavioral changes in the attracted species (e.g., feeding, migration); (2) attracting sharks by chum or other means may cause behavioral changes in the attracted species resulting in increased predation on prey or non-prey marine species; and (3) attracting sharks by chum or other means may increase the risk of attack to other Sanctuary users, or otherwise create user conflict in the area of the activity. Consequently, along with considering amending the regulatory exemption to the discharge and deposit prohibition as discussed above, SRD is considering specifically restricting or prohibiting attracting sharks in the Sanctuary.

The Designation Document for the MBNMS, the constitution for the Sanctuary, contains a list of activities subject to regulation, including prohibition, to the extent necessary and reasonable to ensure the protection and management of the conservation,

ecological, recreational, research, educational, historical and esthetic resources and qualities of the area. Included as an activity subject to regulation is the following:

d. Taking, removing, moving, catching, collecting, harvesting, feeding, injuring, destroying or causing the loss of, or attempting to take, remove, move, catch, collect, harvest, feed, injure, destroy or cause the loss of a marine mammal, sea turtle, seabird, historical resource or other Sanctuary resource.

See 57 FR 43310, 43316 (September 18, 1992) (emphasis added). Therefore, amending the Sanctuary regulations to restrict or prohibit the taking, removing, moving, catching, collecting, harvesting, feeding, injuring, destroying or causing the loss of sharks within the MBNMS, or attempt thereto, is authorized by the Designation Document. "Take or taking" is defined broadly in the Sanctuary regulations (15 CFR 944.3), and includes harassment of the species it currently addresses (marine mammals, seabirds and sea turtles).

To amend the regulations, SRD must follow the appropriate procedures of notice and comment rulemaking under the Administrative Procedure Act. Further, SRD is required by the National Marine Sanctuaries Act at 16 U.S.C. 1434(a)(5) to consult with the appropriate Regional Fishery Management Council before it issues any Sanctuary regulations "for fishing". SRD has sent a letter to the Pacific Fishery Management Council for its input regarding the issues identified in this ANPR.

This ANPR is an optional preliminary step to notice and comment rulemaking. SRD is issuing this ANPR specifically to inform the public of the issue and that it is considering restricting or prohibiting attracting sharks within the MBNMS, and to invite submission of written information, advice, recommendations and other comments. In particular, SRD requests comments on:

(1) What methods are used to attract sharks in the MBNMS;

(2) What methods are used to attract sharks in other areas;

(3) Whether attracting sharks by chum or other means is necessary if they are known to be naturally present in a given area;

(4) Whether attracting sharks by chum or other means causes short- or long-term behavioral changes in the attracted species or associated species that are disruptive to their normal behavior (e.g., feeding, migration, predation);

(5) Whether attracting sharks by chum or other means has adverse impacts on other MBNMS resources;

(6) Whether attracting sharks by chum or other means in nearshore areas creates a risk to other users of those areas (e.g., surfers, swimmers, SCUBA divers, snorklers, fishermen, boaters);

(7) Whether other Sanctuary users (e.g., surfers, swimmers, SCUBA divers, snorklers, fishermen, boaters) actively avoid areas where attracting sharks occurs;

(8) Whether there are other impacts, risks or concerns resulting from attracting sharks by chum or other means in the MBNMS;

(9) Whether a restriction or prohibition against attracting sharks by chum or other means should be Sanctuary-wide or only in the nearshore areas of the MBNMS (and if the latter, what should constitute nearshore); and

(10) Any other information that may be pertinent to this issue.

During the comment period of this ANPR, SRD will hold a public meeting allowing the public to provide written or oral comments. Notice of the date, time and location of the meeting will appear in the **Federal Register**.

Executive Order 12866

For purposes of Executive Order 12866, this advance notice of proposed rulemaking is determined to be not significant.

List of Subjects in 15 CFR Part 944

Administrative practice and procedure, Coastal zone, Education, Environmental protection, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

Authority: 16 U.S.C. 1431 *et seq.*

Federal Domestic Assistance Catalog
Number 11.429 Marine Sanctuary Program

Dated: February 15, 1995.

Frank W. Maloney,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[DEA No. 128P]

RIN 1117-AA26

Records, Reports, and Exports of Listed Chemicals

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This rule proposes to include methyl isobutyl ketone (MIBK) as a List II Chemical under the Controlled Substances Act (CSA) for the purpose of imposing controls on exports which may be destined for cocaine producing regions. This proposed action by the DEA Deputy Administrator is based on substantial evidence that MIBK is increasingly being used as a solvent in the production of cocaine hydrochloride during the conversion of cocaine base to cocaine hydrochloride. The recent steps by the Government of Colombia (GOC) to control MIBK further support this proposed action.

This proposed action will only effect export transactions; international transactions in which a U.S. broker or trader participates; and transshipments through the U.S., which are greater than 500 gallons or 1523 kilograms of MIBK destined for countries in the Western Hemisphere (with the exception of transactions destined for Canada).

DATES: Written comments and objections must be received on or before March 30, 1995.

ADDRESSES: Comments and objections should be submitted in quintuplicate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Howard McClain Jr., Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537 at (202) 307-7183.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA), specifically 21 U.S.C. section 802, provides the Attorney General with the authority to specify by regulation, additional precursor and essential chemicals as "listed chemicals" if they are used in the illicit manufacture of controlled substances. Section 802(39) also provides the Attorney General with authority to establish a threshold amount for "listed chemicals" if the Attorney General so elects. This authority has been delegated to the Administrator of DEA by 28 CFR 0.100 and redelegated to the Deputy Administrator under 28 CFR 0.104 (subpart R) appendix sec. 12.

While methyl ethyl ketone (MEK) has become the solvent of choice in the processing of cocaine base to cocaine hydrochloride, recent regulatory and enforcement efforts in Latin America have resulted in a reduced availability of MEK. Information available to DEA indicates that in response to this shortfall of MEK, cocaine laboratory

operators have moved to the utilization of MIBK for the processing of cocaine base to cocaine hydrochloride. Due to information regarding the use of MIBK for cocaine processing, the dramatic increase in MIBK importation, and the importation of MIBK by some firms that the Government of Colombia (GOC) considers suspect, the GOC has recently taken steps to control the sale and distribution of MIBK.

In making the determination regarding the possible control of MIBK under the CSA, the DEA considered the following:

- (1) The chemistry of the compound
- (2) The legitimate use and commerce of the compound
- (3) Evidence of illicit use

An examination of the chemistry of MIBK shows that it appears to be ideally suited for the conversion of cocaine base to cocaine hydrochloride. MIBK possesses the correct solubility characteristics, is partially miscible with water and is relatively volatile.

The U.S. is a major producer of MIBK and exports this chemical to Latin America. The major commercial application for MIBK is as a solvent for vinyl, epoxy and acrylic resins, for natural resins, for nitrocellulose and for dyes in the printing industry. It is also a versatile extracting agent, e.g. for the production of antibiotics, or the removal of paraffins from mineral oil for the production of lubricating oils. MIBK's uses are similar to those of MEK. There is a legitimate need for these chemicals in Colombia.

Although Colombian imports of MEK have decreased, U.S. firms believe that the legitimate need for MEK is being met. In contrast, however, importations into Colombia of MIBK have increased dramatically in 1994 following regulatory and enforcement actions taken by the GOC and other countries against MEK. No significant increase in the legitimate need for MIBK has been identified. The amount of MIBK imported into Colombia in the second quarter of 1994 exceeded the total quantity imported over the preceding 15 months. Some of these importations were to firms which the GOC considers suspect.

The use of MIBK in cocaine hydrochloride production has recently been scientifically confirmed via the identification of MIBK in seized cocaine hydrochloride. While MEK is the most frequently seen solvent appearing in cocaine hydrochloride, MIBK has also been identified in seized material. Recent samples show an increased incidence of MIBK in seized cocaine hydrochloride. During the fourth quarter