

supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 95-CE-24-AD." The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation and that it must be issued immediately to correct an unsafe condition in aircraft, and is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, 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. 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 a new airworthiness directive to read as follows:

95-12-16 Mooney Aircraft Corporation:
Amendment 39-9267; Docket No. 95-CE-24-AD. Supersedes priority letter AD 95-07-04.

Applicability: Model M20R Airplanes, serial numbers 29-0002 through 29-0035, certificated in any category.

Note 1: This AD applies to each airplane 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 airplanes 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 (d) of this AD 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 airplane from the applicability of this AD.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent an airplane engine fire that could result from exhaust system cracks, accomplish the following:

(a) Within the next 5 hours time-in-service (TIS) after the effective date of this AD, unless the modification specified in paragraph (b) of this AD is incorporated, and thereafter at intervals not to exceed 5 hours TIS until compliance with paragraph (b) of this AD, inspect the exhaust system for cracks in accordance with section 5 and section 81 of the Mooney Model M20R Service and Maintenance Manual (section 78 in Service and Maintenance Manual revisions issued after April 1995). The original exhaust system consists of the following:

- (1) Exhaust Header Assembly: part number 630079-501/-502;
- (2) Muffler Assembly: part number 630088-501; and
- (3) Exhaust Tail Pipe Assembly: part number 630087-501/-502.

Note 2: The inspections required by this AD are also referenced in Mooney Service

Bulletin M20-257, Revision A, dated March 21, 1995, and Revision B, dated April 5, 1995.

(b) Prior to further flight on any airplane with a cracked exhaust system or within the next 25 hours TIS after the effective date of this AD on any airplane without a cracked exhaust system, whichever occurs first, modify the exhaust system in accordance with the documents specified in either paragraph (b)(1) or (b)(2) below:

(1) Mooney Instructions—Retrofit Kit, part number (P/N) 940095-501-1, dated March 31, 1995, and Mooney Special Letter 95-1, dated April 20, 1995; or

(2) Mooney Instructions—Retrofit Kit, P/N 940095-501-1, Revised April 21, 1995.

(c) The repetitive inspections required by paragraph (a) of this AD are no longer required after the incorporation of the modification required by paragraph (b) of this AD.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, ACO, FAA, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

(e) The modification required by this AD shall be done in accordance with Mooney Instructions-Retrofit Kit, part number 940095-501-1, Revised April 21, 1995; or both Mooney Instructions-Retrofit Kit, part number 940095-501-1, dated March 31, 1995, and Mooney Special Letter 95-1, dated April 20, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Mooney Aircraft Corporation, Louis Schreiner Field, Kerville, Texas 78028. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

(f) This amendment (39-9267) supersedes priority letter AD 95-07-04.

(g) This amendment (39-9267) becomes effective on June 22, 1995.

Issued in Kansas City, Missouri, on June 2, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-14041 Filed 6-13-95; 8:45 am]

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14 CFR Part 39

[Docket No. 94-CE-29-AD; Amendment 39-9275; AD 95-12-23]

Airworthiness Directives; Twin Commander Aircraft Corporation Models 690C and 695 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Twin Commander Aircraft Corporation (Twin Commander) Models 690C and 695 airplanes. This action requires initially inspecting the wing structure for cracks, modifying any cracked wing structure, and, if not cracked, either repetitively inspecting or modifying the wing structure. Results of full-scale fatigue testing that indicated areas in the wing that are subject to fatigue cracks prompted this action. The actions specified by this AD are intended to prevent wing damage caused by fatigue cracking, which, if not detected and corrected, could progress to the point of structural failure.

DATES: Effective July 30, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 30, 1995.

ADDRESSES: Service information that applies to this AD may be obtained from the Twin Commander Aircraft Corporation, 19010 59th Drive, NE., Arlington, Washington 98223. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. David D. Swartz, Aerospace Engineer, FAA, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2624; facsimile (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Twin Commander Models 690C and 695 airplanes was published in the **Federal Register** on February 10, 1995 (60 FR 6459). The action proposed to require initially inspecting the wing structure for cracks, modifying any cracked wing structure, and, if not cracked, either repetitively inspecting or modifying the wing structure.

Accomplishment of the proposed action would be in accordance with Twin Commander Service Bulletin No. 213, dated July 29, 1994.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

The FAA established the compliance time of the initial and first repetitive inspection to coincide with the 6,000-hour Major Inspection Guide I and 7,500-hour Major Inspection Guide II inspections, respectively.

The FAA estimates that 86 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 66 workhours per airplane to accomplish the required inspection, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$340,560. This figure does not take into account the cost of repetitive inspections or the cost of any modifications that may be needed based on the inspection results. The FAA has no way of determining how many wing structures may be cracked and need modification, or how many repetitive inspections each owner/operator may incur over the life of the airplane.

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 copy of the final 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, Incorporation by reference, 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. 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 a new AD to read as follows:

95-12-23 Twin Commander Aircraft Corporation: Amendment 39-9275; Docket No. 94-CE-29-AD.

Applicability: The following airplane models and serial numbers, certificated in any category:

Model	Serial Nos.
690C	11600 through 11735.
695	95000 through 95084.

Note 1: This AD applies to each airplane 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 airplanes 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 (g) of this AD 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 airplane from the applicability of this AD.

Compliance: Required upon the accumulation of 6,000 hours time-in-service (TIS) or within the next 50 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished,

and thereafter as indicated in the body of this AD.

To prevent wing damage caused by fatigue cracking, which, if not detected and corrected, could progress to the point of structural failure, accomplish the following:

(a) For all affected serial number Model 695 airplanes, and any Model 690C airplane incorporating a serial number in the 11600 through 11730 range, inspect the wing structure for cracks in accordance with the PART I ACCOMPLISHMENT INSTRUCTIONS (INSPECTIONS) section of Twin Commander Service Bulletin (SB) No. 213, dated July 29, 1994.

(b) For any Model 690C airplane incorporating a serial number in the 11731 through 11735 range, inspect the wing structure for cracks in accordance with Item 10 of the PART I ACCOMPLISHMENT INSTRUCTIONS (INSPECTIONS) section of Twin Commander SB No. 213, dated July 29, 1994.

(c) If, during the inspections required in paragraphs (a) and (b) of this AD, cracks are found in the areas referenced in Figures 1 through 5 and the instructions of the service information referenced above, prior to further flight, replace the damaged structure and modify the wing structure in accordance with the PART II ACCOMPLISHMENT INSTRUCTIONS (MODIFICATIONS) section of Twin Commander SB No. 213, dated July 29, 1994.

(d) If no cracks are found, accomplish one of the following:

(1) For all airplanes, upon the accumulation of 7,500 hours TIS or within 1,000 hours TIS after the initial inspection, whichever occurs later, reinspect the structure in accordance with either paragraph (a) or (b) of this AD, as applicable, and reinspect thereafter at intervals not to exceed 1,000 hours TIS, and, if applicable, replace any damaged part or modify the wing structure as specified in paragraph (c) of this AD; or

(2) For Model 695 airplanes and any Model 690C airplane incorporating a serial number in the 11600 through 11730 range, prior to further flight, modify the wing structure in accordance with the PART II ACCOMPLISHMENT INSTRUCTIONS (MODIFICATIONS) section of Twin Commander SB No. 213, dated July 29, 1994.

(e) For all affected Model 695 airplanes and any Model 690C airplane incorporating a serial number in the 11600 through 11730 range, the modification referenced in paragraphs (c) and (d)(2) of this AD may be accomplished any time after the initial inspection as terminating action for the repetitive inspection requirement of this AD, except for the inspection of the doublers at the wing attach fittings located in the Fuselage Station 144 frame (Item 10 of PART I ACCOMPLISHMENT INSTRUCTIONS section of the Twin Commander SB No. 213, dated July 29, 1994). All affected model and serial number airplanes must inspect in this area at every 1,000 hours TIS.

Note 2: For those airplanes that have not accumulated 6,000 hours TIS, the initial and first repetitive inspection required by this AD were established to coincide with the 6,000-hour Major Inspection Guide I and 7,500-

hour Major Inspection Guide II inspections, respectively, so that the operator may schedule the required action in accordance with these major inspections.

(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) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Northwest Mountain Region, 1601 Lind Avenue S.W., Renton, Washington 98055-4056. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(h) The inspections and modification required by this AD shall be done in accordance with Twin Commander Service Bulletin No. 213, dated July 29, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Twin Commander Aircraft Corporation, 19003 59th Drive, NE., Arlington, Washington 98223. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment (39-9275) becomes effective on July 30, 1995.

Issued in Kansas City, Missouri, on June 7, 1995.

Gerald W. Pierce,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-14404 Filed 6-13-95; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 94F-0451]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of copper chromite black spinel as a colorant for all polymers

intended to contact food. This action is in response to a petition filed by The Shepherd Color Co.

DATES: Effective June 14, 1995; written objections and request for a hearing by July 14, 1995.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 12, 1995 (60 FR 2976), FDA announced that a food additive petition (FAP 5B4446) had been filed by The Shepherd Color Co., 4539 Dues Dr., Cincinnati, OH 45246. The petition proposed to amend the food additive regulations in § 178.3297 *Colorants for polymers* (21 CFR 178.3297) to provide for the safe use of copper chromite black spinel (C.I. Pigment Black 28) as a colorant in all polymers intended to contact food.

FDA has evaluated the data in the petition and other relevant material. The agency concludes that the proposed use of the additive is safe and that the regulations in § 178.3297 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before July 14, 1995, file with the Dockets Management Branch (address above) written objections