

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 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

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

Boeing: Docket 95–NM–93–AD.

Applicability: Model 747–100, –200, and –300 series airplanes; as listed in Boeing Alert Service Bulletin 747–25A3095, dated April 27, 1995; 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 (b) 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 the AD.

Compliance: Required as indicated.

To ensure that hinge bolts are installed in the overhead storage pins, accomplish the following:

(a) Within 90 days after the effective date of this AD, unless accomplished previously within the last 6 months prior to the effective date of this AD, perform a one-time visual inspection to determine if hinge bolts and nuts are installed in the overhead stowage bins, in accordance with Boeing Alert Service Bulletin 747–25A3095, dated April 27, 1995.

(1) If the hinge bolts and nuts are installed, no further action is required by this AD.

(2) If any hinge bolt or nut is not installed, prior to further flight, install a hinge bolt and nut in accordance with the alert service bulletin.

(b) 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, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance

Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) 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.

Issued in Renton, Washington, on August 17, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–20858 Filed 8–22–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–ANE–38]

Airworthiness Directives; Pratt & Whitney JT9D–7R4 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Pratt & Whitney (PW) JT9D–7R4 series turbofan engines. This proposal would require removal of web material at ten bosses on the diffuser case assembly, inspections, shotpeening of the area, and remarking the diffuser case assemblies with a new part number. This proposal is prompted by reports of cracks in the aft corners of the bosses. The actions specified by the proposed AD are intended to prevent diffuser case assembly rupture, which could result in an uncontained engine failure, engine fire, and damage to the aircraft.

DATES: Comments must be received by October 23, 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. 95–ANE–38, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108. This information may be examined at the FAA, New England Region, Office of the Assistant

Chief Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: John Fisher, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7149, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal 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 Number 95–ANE–38." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–ANE–38, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The Federal Aviation Administration (FAA) has received reports of cracks at the aft corners of bosses on the diffuser case assembly on Pratt & Whitney (PW) JT9D–7R4 series turbofan engines. No engine failures have resulted from these cracks. The cracks occur in webs of material at ten bosses that were a result of a machining operation during original

manufacture. The webs of material create stress concentrations that can cause a crack to start. Removal of this web material will provide local stress relief and prevent the initiation of cracks at the aft corners of the bosses. This condition, if not corrected, could result in diffuser case assembly rupture, which could result in an uncontained engine failure, engine fire, and damage to the aircraft.

The FAA has reviewed and approved the technical contents of PW Service Bulletin No. JT9D-7R4-72-469, Revision 2, dated April 25, 1994, that describes procedures for removing the web of material from ten bosses on the diffuser case assembly, performing a fluorescent penetrant inspection (FPI) and x-ray inspection of the reworked area, and shotpeening the reworked area. In addition, for diffuser case assemblies that have been previously weld-repaired but no records can be located to indicate that they have undergone furnace stress relief, or for diffuser case assemblies with weld repairs that have only been locally stress relieved, this SB describes procedures for performing furnace stress relief of these previously welded diffuser case assemblies to ensure that there is sufficient hardness.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of this same type design, the proposed AD would require removing webs of material at ten bosses on the diffuser case assembly, performing an FPI and x-ray inspection of the reworked area, performing furnace stress relief if a local stress relief had been previously accomplished, shotpeening the reworked area, and remarking the diffuser case assemblies with a new part number. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 127 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 20 work hours per engine to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$152,400.

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 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

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

Pratt & Whitney: Docket No. 95-ANE-38.

Applicability: Pratt & Whitney (PW) JT9D-7R4 series turbofan engines, installed on but not limited to Airbus A300 series and A310 series, and Boeing 747 series and 767 series aircraft.

Note: This airworthiness directive (AD) applies to each engine 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 engines 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 engine from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent diffuser case assembly rupture, which could result in an uncontained engine failure, engine fire, and damage to the aircraft, accomplish the following:

(a) At the next engine shop visit, but not later than 6,000 cycles in service after the effective date of this AD, whichever occurs first, inspect the diffuser case assembly, Part Numbers (P/N) 790541, 798379, 789996, 5004770-01, or 5000366-02, for existence of web material at ten boss locations, in accordance with PW Service Bulletin (SB) No. JT9D-7R4-72-469, Revision 2, dated April 25, 1994.

(1) For diffuser case assemblies that incorporate web material at any boss locations described in the above SB, accomplish the following:

(i) Rework the diffuser case assembly in accordance with PW SB No. JT9D-7R4-72-469, Revision 2, dated April 25, 1994. This rework removes web material at ten boss locations.

(ii) Perform a fluorescent penetrant inspection (FPI) of the reworked areas in accordance with PW SB No. JT9D-7R4-72-469, Revision 2, dated April 25, 1994, to ensure that there are no crack indications. If a crack indication is discovered, repair per Engine Manual Section 72-41-02, Repair 28, or remove the diffuser case from service and replace with a serviceable part.

(iii) Perform an x-ray inspection of the reworked areas in accordance with PW SB No. JT9D-7R4-72-469, Revision 2, dated April 25, 1994, to ensure that there are no crack indications. Additionally, the x-ray inspection is performed to assure that there are no cracks, incomplete fusion, incomplete penetration, voids, porosity, or inclusions from previous local weld repairs. If any of these defects are discovered, repair per PW JT9D-7R4 Engine Manual, Section 72-41-02, Repair 28, or remove the diffuser case from service and replace with a serviceable part.

(iv) Determine if any previous weld repairs have been performed at any of the boss locations described in the above SB through reviewing maintenance records. If maintenance records cannot be located, or maintenance records indicate that a weld repair with no stress relief or with a local stress relief has been performed at any of the ten boss locations, perform furnace stress relief and FPI diffuser case assemblies in accordance with PW SB No. JT9D-7R4-72-469, Revision 2, dated April 25, 1994.

(v) Shotpeen the reworked areas in accordance with PW SB No. JT9D-7R4-72-469, Revision 2, dated April 25, 1994.

(vi) Remark the diffuser case assembly with a new part number in accordance with PW SB No. JT9D-7R4-72-469, Revision 2, dated April 25, 1994.

(2) For diffuser case assemblies that have been previously reworked to remove web material at any boss locations prior to the effective date of this AD in accordance with the original issue of PW SB No. JT9D-7R4-72-469, dated October 2, 1992, accomplish the following:

(i) Unless maintenance records indicate that x-ray inspections were performed at ten

boss locations prior to the effective date of this AD in accordance with PW JT9D-7R4 Engine Manual, Section 72-41-02, Repair 28, perform an x-ray inspection of ten boss locations in accordance with the x-ray requirements of PW JT9D-7R4 Engine Manual, Section 72-41-02, Repair 28.

(ii) Determine if any previous weld repairs have been performed at any of the boss locations described in the above SB through reviewing maintenance records. If maintenance records cannot be located, or maintenance records indicate that a weld repair with a local stress relief has been performed at any of the boss locations, perform furnace stress relief, FPI, and shotpeen diffuser case assemblies in accordance with PW SB No. JT9D-7R4-72-469, Revision 2, dated April 25, 1994.

(b) For the purpose of this AD, an engine shop visit is defined as when the "K" and "M" flanges are separated so that the diffuser case is removed.

(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.

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

Issued in Burlington, Massachusetts, on August 15, 1995.

James C. Jones,

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

[FR Doc. 95-20851 Filed 8-22-95; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1301, 1303, 1304 and 1305

[DEA-108P]

RIN 1117-AA19

Definition and Registration of Disposers

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The DEA proposes to amend its regulations to define the term Disposer and establish a new category of manufacturer registration. DEA is also

proposing to amend the regulations to exempt disposers from the quota requirements; to delineate the records and reports required of disposers; and to set out order form procedures for disposers. DEA is proposing these amendments in response to industry requests. The proposed amendments establish the regulatory guidelines under which disposers may handle controlled substances.

DATES: Comments and objections must be submitted by October 23, 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: Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Mr. G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307-7297.

SUPPLEMENTARY INFORMATION: In years past, most pharmaceutical manufacturers and wholesalers, as a service to their customers, accepted returns of outdated/damaged controlled substances. Also, agencies such as DEA and state Boards of Pharmacy accepted surrendered drugs or witnessed their destruction by registrants.

Over the past several years, environmental concerns and regulations have eliminated many of the disposal options which had been available. As a result, drug manufacturers and government agencies alike are increasingly reluctant to be involved in the disposal process.

Pursuant to 21 CFR 1307.21, registrants may request permission to conduct disposal on their own without the benefit of DEA or State witness. In many cases, blanket permission is granted to manufacturers and distributors who have an ongoing need to dispose of unwanted substances. Their disposal must first have DEA authorization in writing, with a set schedule established. Other firms are granted disposal authority on a case by case basis.

In instances where DEA grants registrants authority to dispose of controlled substances, it is permissible for that registrant to utilize the services of an Environmental Protection Agency approved incinerator located in the area of the registrant's choice. The only caveat pursuant to DEA policy is that the registrant provide two designated responsible individuals to accompany the drugs to the disposal site and actually witness the destruction. The

proposes registration of "disposers" will not alter the permissibility of this practice.

Traditionally, DEA has been opposed to granting DEA registrations to firms solely or primarily engaged in the disposal of controlled substances since they are not an essential link in the closed distribution system which the Controlled Substances Act established to control the flow of drugs from the manufacturer to the ultimate user. However, due to the changes in distribution patterns from local to a more national distribution, the time and resources expended by DEA in handling surrendered drugs, and the time expended by manufacturers, a disposer registration is becoming an essential link.

Title 21, CFR 1302.02(d) defines manufacture in part as "the producing, preparation, propagation, compounding, or processing of a drug or substance. . . ." The section further defines a manufacturer as "a person who manufactures a drug or other substance . . ." By its nature, a disposer processes a drug or other substance. Therefore, a disposer falls within the definition of manufacturer. However, due to the limited nature of the activity conducted by a disposer, a separate designation is necessary. Therefore, disposers will be registered as a subcategory of manufacturer.

The basic requirements for registration as a disposer will be similar to those currently imposed on all registrants at the manufacturer/distributor level. They include, but are not necessarily limited to: *Security*; all applicants must install at the registered premises physical security controls which meet the existing standards of 21 CFR 1301.71 and 1301.72.

Recordkeeping; in accordance with 21 CFR 1304, periodic inventories and records of all controlled substances received, destroyed or distributed back to the original, registered manufacturers must be maintained. Due to the unique nature of this registration activity, the applicant must, consistent with 21 U.S.C. 823(a)(5), adequately describe the receipt and accountability methods and records to be employed to ensure the establishment of effective controls against diversion. *Order Forms* must be completed for all Schedule I and III items received and transferred *ARCOS* reports will be required. In addition to the DEA requirements, disposer applicants must obtain the appropriate state and federal approvals for controlled substance and disposal activities.

In conjunction with the proposed amendments outlined above, proposed