

provided in paragraph (c) 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, unless accomplished previously.

To reduce the possibility of vibration in the main landing gear (MLG) that can adversely affect its integrity, accomplish the following:

(a) For airplanes listed in McDonnell Douglas MD-80 Service Bulletin MD80-32-276, dated March 31, 1995, that have not been previously modified (installation of brake line restrictors) in accordance with McDonnell Douglas MD-80 Service Bulletin 32-246: Within 9 months after the effective date of this AD, install filtered restrictors in the MLG hydraulic brake system in accordance with McDonnell Douglas MD-80 Service Bulletin MD80-32-276, dated March 31, 1995.

(b) For airplanes listed in McDonnell Douglas MD-80 Service Bulletin MD80-32-278, dated March 31, 1995: Within 36 months after the effective date of this AD, modify the hydraulic damper assembly (by removing shims, increasing bolt torque, and incorporating changes to increase the volume of fluid passing between the two damper chambers) in accordance with McDonnell Douglas MD-80 Service Bulletin MD80-32-278, dated March 31, 1995.

(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, Los Angeles 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, Los Angeles ACO.

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

(e) 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 September 20, 1995.

S.R. Miller,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-23808 Filed 9-25-95; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 95-NM-118-AD]

#### Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9-80 series airplanes, that currently requires inspection and replacement of certain suspect horizontal stabilizer primary trim motors. That AD was prompted by an analysis which revealed that certain incorrectly manufactured motor shafts could fail prematurely and, in turn, cause the primary trim motor to fail. The actions specified in that AD are intended to prevent such failures of the primary trim motor, which could ultimately result in reduced controllability of the airplane. This action would expand the applicability of the existing AD to include additional airplanes.

**DATES:** Comments must be received by November 6, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-118-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60); or Sundstrand Aerospace, 4747 Harrison Avenue, P.O. Box 7002, Rockford, Illinois 61125-7002. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Walter Eierman, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5336; fax (310) 627-5210.

#### 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 shall 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-NM-118-AD." 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, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-118-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### Discussion

On March 8, 1995, the FAA issued AD 95-06-04, amendment 39-9174 (60 FR 15034, March 22, 1995), applicable to certain McDonnell Douglas Model DC-9-80 series airplanes, to require inspection and replacement of certain suspect horizontal stabilizer primary trim motors. That action was prompted by an analysis which revealed that certain incorrectly manufactured motor shafts could fail prematurely and, in turn, cause the primary trim motor to fail. The requirements of that AD are intended to prevent such failures of the primary trim motor, which could ultimately result in reduced controllability of the airplane.

Since the issuance of that AD, the FAA received a report indicating that an additional lot of motor output shafts was not subjected to a hardening

process (heat treatment) during manufacture. Without this hardening process, the defective output shafts may experience excessive wear, which could lead to failure of the shaft and, consequently, failure of the trim motor. A shaft failure in the primary trim motor could also result in the inability of the trim gearbox to transmit the input from the alternate trim motor. This condition, if not corrected, could result in the loss of all stabilizer trim and subsequent reduced controllability of the airplane. No failures have actually occurred in service, however.

The FAA has reviewed and approved McDonnell Douglas MD-80 Alert Service Bulletin A27-342, Revision 1, dated May 15, 1995. The inspection and replacement procedures described in this revision are identical to those described in the original issue of the alert service bulletin (which was referenced in AD 95-06-04). However, this revision expands the effectivity listing to include additional airplanes that are subject to the addressed unsafe condition. This revision also contains minor editorial changes.

The FAA also has reviewed and approved Sundstrand Service Bulletin 9590-27-012, dated August 8, 1995, which describes procedures for modifying the brake motor. The modification involves replacing the coupling in the brake motor with a coupling that has been heat-treated and testing the brake motor. Accomplishment of this modification will extend the service life of the brake motor.

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 supersede AD 95-06-04 to continue to require inspection and replacement of certain suspect horizontal stabilizer primary trim motors. This action would expand the applicability of the existing AD to include additional airplanes. The actions would be required to be accomplished in accordance with the alert service bulletin described previously.

There are approximately 142 Model DC-9-80 series airplanes of the affected design in the worldwide fleet. The FAA estimates that a total of 73 airplanes of U.S. registry would be affected by this proposed AD.

The inspection of the horizontal stabilizer primary trim motor is expected to take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the total cost impact of this requirement is estimated to be \$60 per airplane.

The actions specified in this proposed rule previously were required by AD 95-06-04, which was applicable to approximately 13 U.S.-registered airplanes. Based on the figures discussed above, the total cost impact of the current requirements of that AD on U.S. operators is estimated to be \$390. In consideration of the compliance time and effective date of AD 95-06-04, the FAA assumes that the operators of the 13 airplanes subject to that AD have already initiated the required actions. The proposed AD action would add no new costs associated with those airplanes.

This proposed action would be applicable to approximately 60 additional airplanes. Based on the figures discussed above, the total new costs to U.S. operators that would be imposed by this new AD are estimated to be \$3,600. This figure is based on assumptions that no operator of these additional airplanes has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Replacement of suspect motors, if necessary, would require 5 work hours to accomplish, at an average labor rate of \$60 per work hour. Required parts will be provided by Sundstrand Electric Power Systems (the manufacturer of the horizontal stabilizer primary trim motors) at no charge to operators. Based on these figures, the total cost impact on U.S. operators for the replacement of suspect motors is estimated to be \$300 per airplane.

Should an operator elect to modify a suspect motor, that action would require 4 work hours to disassemble, modify, reassemble, and test the motor (excluding removal and reinstallation of the motor from the airplane). The average labor rate is \$60 per work hour. Required parts would be provided by Sundstrand at no charge to operators. Based on these figures, the total cost impact on U.S. operators for modification of a suspect motor is estimated to be \$240 per airplane.

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 removing amendment 39-9174 (60 FR 15034, March 22, 1995), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 95-NM-118-AD. Supersedes AD 95-06-04, Amendment 39-9174.

*Applicability:* Model DC-9-80 series airplanes; as listed in McDonnell Douglas MD-80 Alert Service Bulletin A27-342, dated August 4, 1994, and in McDonnell Douglas MD-80 Alert Service Bulletin A27-342, Revision 1, dated May 15, 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 (c) 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, unless accomplished previously.

Note 2: Paragraph (a) of this AD merely restates the requirements of paragraph (a) of AD 95-06-04, amendment 39-9174. As allowed by the phrase, "unless accomplished previously," if those requirements of AD 95-06-04 have already been accomplished, this AD does not require that those actions be repeated.

To prevent failure of the horizontal stabilizer primary trim motor, accomplish the following:

(a) For airplanes listed in McDonnell Douglas MD-80 Alert Service Bulletin A27-342, dated August 4, 1994; Within 6 months after April 21, 1995 (the effective date of AD 95-06-04, amendment 39-9174), conduct a visual inspection of the horizontal stabilizer primary trim motor to determine if the motor is identified with one of the suspect serial numbers listed in McDonnell Douglas MD-80 Alert Service Bulletin A27-342, dated August 4, 1994, or Revision 1, dated May 15, 1995. Conduct this inspection in accordance with the procedures specified in that service bulletin.

(1) If the horizontal stabilizer primary trim motor is not identified with a suspect serial number, no further action is required by this AD.

(2) If the horizontal stabilizer primary trim motor is identified with a suspect serial number, prior to further flight, accomplish either paragraph (a)(2)(i) or (a)(2)(ii) of this AD.

(i) Replace the motor in accordance with the McDonnell Douglas alert service bulletin. Or

(ii) Modify the motor in accordance with Sundstrand Service Bulletin 9590-27-012, dated August 8, 1995; and install the modified motor in accordance with the McDonnell Douglas alert service bulletin.

(b) For airplanes listed in McDonnell Douglas MD-80 Alert Service Bulletin A27-342, Revision 1, dated May 15, 1995, and not subject to paragraph (a) of this AD: Within 6 months after the effective date of this AD, conduct a visual inspection of the horizontal stabilizer primary trim motor to determine if the motor is identified with one of the suspect serial numbers listed in McDonnell Douglas MD-80 Alert Service Bulletin A27-342, Revision 1, dated May 15, 1995. Conduct this inspection in accordance with the procedures specified in that service bulletin.

(1) If the horizontal stabilizer primary trim motor is not identified with a suspect serial number, no further action is required by this AD.

(2) If the horizontal stabilizer primary trim motor is identified with a suspect serial number, prior to further flight, accomplish either paragraph (b)(2)(i) or (b)(2)(ii) of this AD.

(i) Replace the motor in accordance with the McDonnell Douglas alert service bulletin. Or

(ii) Modify the motor in accordance with Sundstrand Service Bulletin 9590-27-012,

dated August 8, 1995; and install the modified motor in accordance with the McDonnell Douglas alert service bulletin.

(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, Los Angeles 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, Los Angeles ACO.

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

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

Issued in Renton, Washington, on September 20, 1995.

Darrell M. Pederson,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-23809 Filed 9-25-95; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### 21 CFR Parts 1309 and 1310

[DEA-133P]

RIN 1117-AA29

#### Waiver of Requirements for the Distribution of Prescription Drug Products That Contain List I Chemicals

**AGENCY:** Drug Enforcement Administration (DEA), Justice.

**ACTION:** Proposed rule.

**SUMMARY:** DEA is proposing to amend its regulations to waive the registration requirement for persons who distribute prescription drug products that are subject to regulation as List I chemicals and to allow that the records required to be maintained pursuant to the Federal Food and Drug Administration (FDA) guidelines for prescription drug products shall be deemed adequate for satisfying DEA's recordkeeping requirements with respect to distribution. In response to requests from industry, DEA has conducted a review and determined that such prescription drug products are already subject to extensive regulatory controls regarding their distribution and are not presently identified as a significant source for diversion of List I chemicals to the illicit manufacture of controlled substances. This proposed action will

relieve a large population of distributors and manufacturers of regulated prescription drug products containing List I chemicals from the burden of compliance with regulations in circumstances where compliance would be unnecessary for enforcement of the law.

**DATES:** Comments or objections must be received on or before November 27, 1995.

**ADDRESSES:** Comments and objections should be submitted in quintuplicate to the Deputy Administrator, Drug Enforcement Administration, Washington, D.C. 20537, Attention: DEA Federal Register Representative/CCR.

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

**SUPPLEMENTARY INFORMATION:** The Domestic Chemical Diversion Control Act of 1993 (PL 103-200) (DCDCA) amended Section 802(39) of the Controlled Substances Act (21 U.S.C. 801 et seq.) (CSA) to remove drug products that contain either ephedrine as the sole medicinal ingredient or ephedrine in combination with therapeutically insignificant amounts of another medicinal ingredient (hereinafter regulated ephedrine drug products) from the exemption granted to drug products that contain a List I chemical that may be marketed or distributed under the Federal Food, Drug and Cosmetic Act (FDCA). As a result of this and the removal of the ephedrine threshold, all distributions, importations and exportations of regulated ephedrine drug products became subject to the chemical registration, recordkeeping and reporting requirements of the CSA. The intent of these actions was to establish a system of controls to prevent the diversion of regulated ephedrine drug products for the illicit manufacture of controlled substances.

DEA has received a number of comments from pharmaceutical companies expressing concerns regarding the application of the new controls to the distribution of prescription drug products that are subject to regulation. Primary among the concerns are: (1) The burdens associated with compliance with the registration and recordkeeping requirements, including the financial burden associated with converting existing systems to satisfy the new requirements; (2) existing Federal and state controls severely restrict the manufacture, distribution or dispensing of the