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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 Turbomeca Engine Corporation, 2709 Forum Drive, Grand Prairie, Texas 75051. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(g) This amendment supersedes TAD T92-13-52.

(h) This amendment becomes effective on December 3, 1992.

Issued in Burlington, Massachusetts, on October 26, 1992.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 92-27872 Filed 11-17-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-99-AD; Amendment 39-8418; AD 92-25-03]

Airworthiness Directives; Aerospatiale Model SN 601 Corvette Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Aerospatiale Model SN 601 series airplanes, that requires inspection of the skins on the upper and lower passenger door frames to detect cracking and damage, and repair, if necessary. This amendment is prompted by reports of fatigue cracking in the upper and lower passenger door frame skin. The actions specified by this AD are intended to prevent damage to the fuselage passenger door frame skin at the hinge axis.

DATES: Effective December 23, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 23, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Lium, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1112; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Aerospatiale Model SN 601 series airplanes was published in the Federal Register on August 26, 1992 (57 FR 38629). That action proposed to require inspection of the skins on the upper and lower passenger door frames to detect cracking and damage, and repair, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 1 airplane of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $220. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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 "major rule" under Executive Order 12291; (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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from 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 14 CFR part 39 of the Federal Aviation Regulations 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:

92-25-03. Aerospatiale: Amendment 39-8418. Docket 91-NM-99-AD.

Applicability: Model SN 601 Corvette series airplanes on which Modifications 1291 and 1368 have not been incorporated, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to the fuselage passenger door frame skins at the hinge axis, accomplish the following:

(a) Prior to the accumulation of 8,100 landings, or within 100 landings after the effective date of this AD, whichever occurs later, perform a high frequency eddy current inspection of the skins on the upper and lower frames at the level of the passenger door hinge pins to detect cracks, in accordance with Aerospatiale Corvette Service Bulletin 53-21, dated June 25, 1990.

(1) If no crack is found as a result of the inspection required by paragraph (a) of this AD, repeat the inspection at intervals not to exceed 3,300 landings.

(2) If any crack is found as a result of the inspection required by paragraph (a) of this AD, prior to further flight, accomplish Modification 1291, in accordance with Aerospatiale Corvette Service Bulletin 53-22, dated July 20, 1990. Accomplishment of this modification constitutes terminating action for the inspections required by paragraph (a) of this AD.

(b) Prior to the accumulation of 9,100 landings or within 100 landings after incorporation of Modification 1291, whichever occurs later, perform a low frequency eddy current inspection of the upper door frame, and a high frequency eddy current inspection of the lower door frame, to

detect damage to the fuselage passenger door frame skins at the hinge axis between Frames 11 and 12, in accordance with Aerospatiale Corvette Service Bulletin 53-23, Revision 2, dated November 6, 1991.

(1) If no damage is found as a result of the inspections required by paragraph (b) of this AD, repeat the inspections at intervals not to exceed 3,600 landings.

(2) If any damage is found as a result of the inspections required by paragraph (b) of this AD, prior to further flight, accomplish Modification 1368, in accordance with Aerospatiale Corvette Service Bulletin 53-8, Revision 1, dated August 20, 1990. Accomplishment of this modification constitutes terminating action for the low frequency eddy current inspection of the upper door frame required by paragraph (b) of this AD; however, the high frequency eddy current inspection of the lower door frame required by paragraph (b) of this AD must continue to be performed at intervals not to exceed 3,600 landings.

(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, Standardization Branch, ANM-113, 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, Standardization Branch, ANM-113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspections and modifications shall be done in accordance with the following Aerospatiale Corvette service bulletins, as applicable, which contain the specified effective pages:

Service bulletin referenced and date	Page No.	Revision level shown on page	Date shown on page
Service Bulletin 53-21, June 25, 1990	1-9	Original	June 25, 1990.
Service Bulletin 53-22, July 20, 1990	1-13	Original	July 20, 1990.
Service Bulletin 53-23, Revision 2	1-5, 12-31	2	November 6, 1991.
November 6, 1991	6-11	1	March 29, 1991
Service Bulletin 53-6, Revision 1, August 20, 1990	1-11	1	August 20, 1990.

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 Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on December 23, 1992.

Issued in Renton, Washington, on November 10, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-27927 Filed 11-17-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-108-AD; Amendment 39-8419; AD 92-25-04]

Airworthiness Directives; Boeing Model 737 and Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737 and Model 757 series airplanes, that requires modifying the oxygen box assemblies (containing oxygen masks) in lavatories and at certain flight attendant stations. This amendment is prompted by the results of oxygen drop tests, which revealed that a maintenance test stop feature of the oxygen box assemblies may interfere with proper oxygen mask deployment. This condition, if not corrected, may prevent the availability of oxygen to affected passengers and flight attendants during a loss of cabin pressure.

DATES: Effective on December 23, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 23, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle,Washington 98124. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Terrell W. Rees, Aerospace Engineer, Seattle Aircraft Certification Office, ANM-120S; FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2785; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737 and Model 757 series airplanes was published in the **Federal Register** on June 18, 1992 (57 FR 27197). That action proposed to require modifying the oxygen box assemblies (containing oxygen masks) in lavatories and at certain flight attendant stations.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposed rule.

Two commenters request that the compliance time for modifying the oxygen box assemblies be revised from the proposed 900 flight hours to "within 900 flight hours or 6 months after the effective date of this AD, whichever occurs later." One commenter requests this extension for purposes of accomplishing the modification at a main base, where trained maintenance personnel who are familiar with this modification are available. The commenter notes that although the proposed modification is fairly simple and can be scheduled on an overnight hold, the proposed compliance time of 900 flight hours would necessitate that some operators special schedule the retrofit to be accomplished at locations where only contract maintenance is available; this would entail additional costs over the amount cited in the economic analysis described in the preamble to the notice. The FAA concurs with the commenter's suggested change. Extending the compliance time to "900 flight hours or 6 months, whichever occurs later" will not

adversely affect safety, and will allow the modification to be performed at a base during regularly scheduled maintenance where special equipment and trained maintenance personnel will be available if necessary. Paragraphs (a) and (b) of the final rule has been revised accordingly.

One commenter recommends that the proposal provide specific modification procedures to accommodate the unique way that each test stop plunger fits within the opening of the oxygen box door. The commenter states that the proposed AD does not allow for such uniqueness. The FAA does not concur that this AD should address each unique configuration. The uniqueness of every assembly makes the inclusion of individualized modification instructions impractical. However, under the provisions of paragraph (c) of the final rule, any operator may use a method other than that specified in the rule by submitting a request for use of that alternative method and data to substantiate that the alternative method will assure proper operation.

One commenter states that the test stop plunger is fabricated from a delicate material and is designed with a delicate attach point. The commenter believes that onboard rework would damage these assemblies. Because of the delicate nature of the test stop plunger, the commenter requests that the oxygen box doors be modified instead of the test stop plunger. Also, this commenter states that reidentification of the test stop plunger, as described in the related service bulletin, would be extremely difficult to accomplish with the plunger still installed in the airplane because of the size and positioning of the test plunger. The FAA does not agree with the commenter's suggestion that the oxygen box door, rather than the test stop plunger, be modified. The doors are of honeycomb construction, and modifying these items may considerably increase the total rework required. Operators may request the use of an alternative method of compliance with the required test stop modification in accordance with paragraph (c) of this AD. The FAA will allow any method of reidentification mutually agreeable to the operator and cognizant FAA Principal Maintenance Inspector; the AD has been revised to specify this point.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 376 Boeing Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 228 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1.50 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators of Model 757 series airplanes is estimated to be $18,810.

There are approximately 1,030 Boeing Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 509 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2.75 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators of Model 737 series airplanes is estimated to be $76,986.

Based on the figures, described above, the total cost impact of the AD on U.S. operators is estimated to be $95,796. This total cost figure assumes that no affected U.S. operator has accomplished the requirements of this AD.

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 "major rule" under Executive Order 12291; (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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from 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 14 CFR part 39 of the Federal Aviation Regulations 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:

92-25-04. Boeing: Amendment 39-8419. Docket 92-NM-108-AD.

Applicability: Model 737 series airplanes, as listed in Boeing Alert Service Bulletin 737-35A1037, dated February 13, 1992, and Boeing Alert Service Bulletin 737-35A1038, dated March 19, 1992; and Model 757 series airplanes, as listed in Boeing Alert Service Bulletin 757-35A0010, dated February 13, 1992; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent maintenance test stop plungers from interfering with proper deployment of oxygen masks, accomplish the following:

(a) For Model 737 series airplanes: Within 900 flight hours or 6 months after the effective date of this AD, whichever occurs later, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.

(1) Modify the test stop plungers in the oxygen box assemblies in the lavatories in accordance with Boeing Alert Service Bulletin 737-35A1037, dated February 13, 1992.

(i) As an alternative action, operators may accomplish the modification of the test stop with the oxygen box assembly removed from the airplane.

(ii) In lieu of the method for reidentification of the test stop prescribed in the service bulletin, operators may use an alternative method of reidentification if it is approved by the cognizant FAA Principal Maintenance Inspector (PMI).

(2) Modify the oxygen box assemblies in modular lavatory "A" in accordance with Boeing Alert Service Bulletin 737-35A1038, dated March 19, 1992.

(b) For Model 757 series airplanes: Within 900 flight hours or 6 months after the effective date of this AD, whichever occurs later, modify the test stop plungers in the oxygen box assemblies in the lavatories and at doors 1 and 4 flight attendant seats in accordance with Boeing Alert Service Bulletin 757-35A0010, dated February 13, 1992.

(1) As an alternative action, operators may accomplish the modification of the test stop with the oxygen box assembly removed from the airplane.

(2) In lieu of the method for reidentification of the test stop prescribed in the service bulletin, operators may use an alternative

method of reidentification if it is approved by the cognizant FAA Principal Maintenance Inspector (PMI).

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

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The modifications shall be done in accordance with Boeing Alert Service Bulletin 737-35A1037, dated February 13, 1992; Boeing Alert Service Bulletin 737-35A1038, dated March 19, 1992; or Boeing Alert Service Bulletin 757-35A0010, dated February 13, 1992; as applicable. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on December 23, 1992.

Issued in Renton, Washington, on November 10, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-27926 Filed 11-17-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 92-NM-85-AD; Amendment 39-8416; AD 92-25-01]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, that currently requires visual inspections of the internal and external splines of the trailing edge flap drive torque tube coupling assembly for excessive wear, and replacement of the coupling, if necessary. That action was prompted by reports of excessive wear on the aft end of the trailing edge flap drive torque tube coupling. This amendment adds an optional modification that, if installed, constitutes terminating action for the existing inspection requirements. The actions specified by this AD are intended to prevent damage caused by skewed flaps resulting from excessive wear of the splines of the trailing edge flap drive torque tube coupling.

DATES: Effective December 23, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 23, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Sumner, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2778; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 90-08-16, Amendment 39-6574 (55 FR 13755, April 12, 1990), which is applicable to certain Boeing Model 757 series airplanes, was published in the Federal Register on June 4, 1992 (57 FR 23549). The action proposed to add an optional modification that, if installed, would constitute terminating action for the existing inspection requirements.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the rule as proposed.

One commenter requests that proposed paragraph (a) be changed to delete reference to Boeing Service Letter 757-SL-27-52, dated January 31, 1990, and Boeing Service Letter 757-SL-27-52-A, dated March 21, 1990. The commenter believes that operators could be confused as to which revision level of the referenced service letter to follow in order to accomplish the inspection. The FAA concurs, in part. Paragraph (a) of the final rule has been changed to eliminate references to the original issue and Revision A of the referenced service letter. However, a note has been added to explain that operators who have previously accomplished the inspection requirements of this AD in accordance with these service letters are in compliance with the inspection requirements of this AD.

One commenter requests that the words "edge flaps" in the phrase "torque tube assemblies edge flaps" be eliminated from proposed paragraph (b). The commenter feels that this terminology is confusing and redundant. The commenter considers that the part number sufficiently describes the torque tube assemblies. The FAA concurs that the requested change would improve the clarity of the rule. The final rule has been changed accordingly.

One commenter questions why a Model 757 series airplane having line number 412 is not included in the applicability statement of the proposal. The commenter requests a clarification of the applicability statement. The FAA notes that the subject airplane was not included in the applicability statement because the airplane is still in production. This airplane will be delivered with the corrected torque tube assembly.

One commenter requests that AD 90-08-16 be amended rather than superseded by adoption of this final rule. The proposed action only adds an optional terminating action provision to the rule. There are no mandatory changes required to the inspection program required by AD 90-08-16. The commenter is concerned about the additional paperwork that will result from a supersedure rather than an amended AD. The FAA does not concur. The FAA's current policy (reference FAA Order 8040.1B) is that, whenever a "substantive change" is made to an existing AD, the AD must be superseded, rather than revised. "Substantive changes" are those made to any instruction or reference that affects the substance of the AD, and includes part numbers, service bulletin and manual references, compliance times, applicability, methods of compliance, corrective action, inspection requirements, and effective dates. In the case of this AD rulemaking action, the changes being made to the existing AD are considered substantive. This superseding AD is assigned a new amendment number and new AD number; the previous amendment is deleted from the system. This procedure facilitates the efforts of the Principal Maintenance Inspectors in tracking AD's and ensuring that the affected operators have incorporated the latest

changes into their maintenance programs.

With regard to paperwork changes required by affected operators, Federal Aviation Regulations (FAR) Section 121.380(a)(2)(v), "Maintenance recording requirements," requires that persons holding an operating certificate and operating under FAR Part 121 must keep records "indicating the current status of applicable airworthiness directives, including the method of compliance." Whether an existing AD is superseded or revised, the new AD is assigned a new AD number: a superseding AD is assigned a new 6-digit AD number; a revising AD retains the original 6-digit AD number, but an "R1" is added to it. In either case, the new AD is identified by its "new" AD number, not by the "old" AD number. In light of this, affected operators updating their maintenance records to indicate the current AD status would have to record a new AD number in all cases, regardless of whether the AD is a superseding or a revising AD. Further, operators are always given credit for work previously performed in accordance with the existing AD by means of the phrase in the compliance section of the AD that states, "Required * * * unless accomplished previously."

Paragraph (c) of the final rule has been revised to clarify the procedure for requesting alternative methods of compliance with this AD.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 431 Boeing Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 279 airplanes of U.S. registry will be affected by this proposed AD. The (currently required) inspections necessitate 1.5 work hours to accomplish, at an average labor rate is $55 per work hour. Based on these figures, the total cost impact of the currently required inspections on U.S. operators is $23,018, or $82 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

Should an operator elect to install the optional terminating modification, it would take approximately 9 work hours per airplane to accomplish, at an average labor rate of $55 per work hour. Modification parts would cost approximately $1,486 per airplane. Based on these figures, the total cost associated with installation of the optional terminating modification is estimated to be $1,981 per 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 "major rule" under Executive Order 12291; (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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from 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 14 CFR part 39 of the Federal Aviation Regulations 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 removing amendment 39–6574 (55 FR 13755, April 12, 1990), and by adding a new airworthiness directive (AD), amendment 39–8416, to read as follows:

92–25–01. Boeing: Amendment 39–8416. Docket 92–NM–85–AD. Supersedes AD 90–08–16, Amendment 39–6574.

Applicability: Model 757 series airplanes; line numbers 1 through 411, inclusive, and 413 through 432, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage caused by skewed flaps resulting from excessive wear of the splines of the trailing edge flap drive torque tube coupling, accomplish the following:

(a) Prior to the accumulation of 2,000 flight cycles, or within the next 200 flight cycles after April 30, 1990 (the effective date of AD 90–08–16), whichever occurs later, and thereafter at intervals not to exceed 2,000 flight cycles, perform an inspection of the torque tube coupling splines, in accordance with Boeing Service Letter 757–SL–27–52–B, dated April 30, 1990.

Note: Operators who have conducted inspections of the torque tube coupling splines prior to the effective date of this AD, in accordance with Boeing Service Letter 757–SL–27–52, dated January 31, 1990, or Boeing Service Letter 757–SL–27–52–A, dated March 21, 1990, are considered to be in compliance with paragraph (a) of this AD.

(1) If the measurement over the pin, as detailed in the service letter, is less than 1.8605 inches but equal to or greater than 1.8533 inches, repeat the inspection prior to the accumulation of 1,000 additional flight cycles.

(2) If the measurement over the pin, as detailed in the service letter, is less than 1.8533 inches, replace the coupling prior to further flight, in accordance with the service letter.

(b) Replacement of the torque tube assemblies with improved torque tube assemblies, part number 251N4281–20 (one on each wing), and installation of a sealant plug in the shafts of the four gearboxes, in accordance with Boeing Service Bulletin 757–27–0099, dated March 12, 1992, constitutes terminating action for the inspections required by paragraph (a) of this AD.

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

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspection and replacement shall be done in accordance with Boeing Service Letter 757–SL–27–52–B, dated April 30, 1990. The replacement with improved torque tube assemblies shall be done in accordance with Boeing Service Bulletin 757–27–0099, dated March 12, 1992. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800

North Capitol Street NW., suite 700, Washington, DC.

(f) This amendment becomes effective on December 23, 1992.

Issued in Renton, Washington, on November 9, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-27874 Filed 11-17-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 201

[Docket No. 91N-0490]

New Animal Drugs; Veterinary Prescription Drug Legend Revision

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations concerning the veterinary prescription drug legend to reflect the agency's revised statutory basis for regulating veterinary prescription drugs, following enactment of the Generic Animal Drug and Patent Term Restoration Act, and to add appropriate references to the revised statutory authority. FDA is also making nonsubstantive amendments to these regulations to conform them to comparable human drug regulations. In addition, the authority citation for 21 CFR part 201 is being revised to reflect changes in statutory designations made to the Federal Food, Drug, and Cosmetic Act (the act) by the Safe Medical Devices Act of 1990 (the SMDA).

EFFECTIVE DATE: November 18, 1992.

FOR FURTHER INFORMATION CONTACT: Robert C. Livingston, Center for Veterinary Medicine (HFV-100), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8620.

SUPPLEMENTARY INFORMATION: On November 16, 1988, the President signed into law the Generic Animal Drug and Patent Term Restoration Act (GADPTRA) (Pub. L. 100-670). The primary purpose of Title I of GADPTRA is to establish eligibility for the submission of abbreviated new animal drug applications (ANADA's) for drug products first approved in new animal drug applications (NADA's) after the Drug Amendments of 1962 (Pub. L. 87-781) to the act. GADPTRA also amends section 503 of the act (21 U.S.C. 353) by establishing new paragraph 503(f), codifying the authority to regulate certain veterinary drugs as prescription drugs (drugs that are to be used only by or on the order of a licensed veterinarian) and specifying how such drugs are to be labeled and dispensed. Prior to the enactment of section 503(f) of the act, the agency successfully relied upon section 502(f)(1) of the act as implemented by §§ 201.105 *Veterinary drugs* (21 CFR 201.105) and 201.110 *Retail exemptions for veterinary drugs* (21 CFR 201.110) as the statutory basis for regulating veterinary prescription drugs. This final rule amends § 201.105 to reflect the new statutory provision.

This final rule also makes a nonsubstantive change in § 201.105(a)(1) to make that section consistent with the comparable human drug regulations in § 201.100. In addition, this final rule adds new § 201.105(a)(1)(ii), providing for distribution of veterinary prescription drugs by nonpharmacists as authorized by State law. FDA's longstanding interpretation that "other order" in the phrase "prescription or other order" refers to distribution of prescription veterinary drugs by nonpharmacists, authorized by State law to distribute such drugs, was upheld in *United States* v. *Colahan*, 811 F.2d 287, 294 (6th Cir. 1987).

Because section 503(f)(2)(B) of the act duplicates § 201.110, and in order to make the animal drug regulations more consistent with the human drug regulations, § 201.110 is being removed.

Finally, § 201.122 *Drugs for processing, repacking, or manufacturing* (21 CFR 201.122) is being amended to reflect the passage of section 503(f) of the act.

In this rule, FDA is also revising the authority citation for 21 CFR part 201 to reflect changes in statutory designations made by the SMDA (Pub. L. 101-629), enacted November 28, 1990. Section 19 of the SMDA transferred subpart 3 (Electronic Product Radiation Control) of part F of title III of the Public Health Service Act (the PHS Act) to chapter V of the act, and redesignated sections 354 through 360F of the PHS Act as sections 530 through 542 of the act, respectively.

The agency has determined under 21 CFR 25.24(a)(8) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the principles of the Regulatory Flexibility Act, the agency has considered the potential effects that this rule would have on industry, including small businesses. The rule amends regulations to reflect the revised statutory authority for veterinary prescription drugs and does not impose any new requirements beyond those statutorily required. The statutory revision provides explicit authority under the Federal Food, Drug, and Cosmetic Act for prescription animal drugs similar to that provided for drugs for human use. The effect of the amendment and corresponding amendments to the regulation is to obviate the need to litigate the authority of the agency to require prescription drug labeling on drugs intended for use in animals. For these reasons, the agency concludes that the rule is not a major rule as defined in Executive Order 12291, and has determined that this action does not require either a regulatory impact analysis or a regulatory flexibility analysis.

Prior notice and public procedure are unnecessary for promulgation of this final rule because the revisions affected by it merely implement statutory changes, are nonsubstantive, or reflect a judicial ruling. For the same reasons, good cause exists to make the revisions effective immediately.

List of Subjects in 21 CFR Part 201

Drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 201 is amended as follows:

PART 201—LABELING

1. The authority citation for 21 CFR part 201 is revised to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 508, 510, 512, 530-542, 701, 704, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 358, 360, 360b, 360gg-360ss, 371, 374, 376); secs. 215, 301, 351, 361 of the Public Health Service Act (42 U.S.C. 216, 241, 262, 264).

2. Section 201.105 is amended by revising the introductory text and paragraph (a) to read as follows:

§ 201.105 Veterinary drugs.

A drug subject to the requirements of section 503(f)(1) of the act shall be exempt from section 502(f)(1) of the act if all the following conditions are met:

(a) The drug is:

(1)(i) In the possession of a person (or his agents or employees) regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale distribution of drugs that are to be used only by or on the prescription or other order of a licensed veterinarian; or

(ii) In the possession of a retail, hospital, or clinic pharmacy, or other

person authorized under State law to dispense veterinary prescription drugs, who is regularly and lawfully engaged in dispensing drugs that are to be used only by or on the prescription or other order of a licensed veterinarian; or

(iii) In the possession of a licensed veterinarian for use in the course of his professional practice; and

(2) To be dispensed in accordance with section 503(f) of the act.

* * * * *

§ 201.110 [Removed]

3. Section 201.110 *Retail exemption for veterinary drugs* is removed from subpart D.

4. Section 201.122 is amended by revising the introductory text to read as follows:

§ 201.122 Drugs for processing, repacking, or manufacturing.

A drug in a bulk package, except tablets, capsules, or other dosage unit forms, intended for processing, repacking, or use in the manufacture of another drug shall be exempt from section 502(f)(1) of the act if its label bears the statement "Caution: For manufacturing, processing, or repacking"; and if in substantially all dosage forms in which it may be dispensed it is subject to section 503(b)(1) of the act, the statement "Caution: Federal law prohibits dispensing without prescription", or if in substantially all dosage forms in which it may be dispensed it is subject to section 503(f)(1) of the act, the statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian". This exemption and the exemption under § 201.120 may be claimed for the same article. However, the exemption shall not apply to a substance intended for a use in manufacture, processing, or repacking which causes the finished article to be a new drug or new animal drug, unless:

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Dated: November 10, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-27899 Filed 11-17-92; 8:45 am]

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DEPARTMENT OF EDUCATION

34 CFR Part 637

RIN: 1840-AB59

Minority Science Improvement Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Minority Science Improvement Program. These final regulations are needed to implement recently enacted changes made by the Higher Education Amendments of 1992. The amendments emphasize projects that assist minority women.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Dr. Argelia Velez-Rodriguez, U.S. Department of Education, 400 Maryland Avenue SW., Room 3022, ROB-3, Washington, DC 20202-5251. Telephone: (202) 708-4662. Individuals who are hearing impaired may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: These regulations implement the Higher Education Amendments of 1992 (Pub. L. 102-325), enacted July 23, 1992, which place particular emphasis on projects serving minority women. This program supports the President's AMERICA 2000 strategy for achieving the National Education Goals, especially the Goal Four objective to increase, significantly, the number of U.S. undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering.

Waiver of Notice of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act [20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, these amendments merely incorporate required statutory changes into the regulations or make other technical changes and do not implement substantive policy. Therefore, the Secretary has determined pursuant to 5 U.S.C. 553(b)(B) that public comment on the regulations is unnecessary and contrary to the public interest.

Executive Order 12291

These final regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

Based on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 637

Colleges and universities, Education department, Education of disadvantaged, Educational study programs, Equal educational opportunity, Grant programs—education, Reporting and recordkeeping requirements, Science and technology.

Dated: October 2, 1992.

(Catalog of Federal Domestic Assistance Number 84.120—A & B—Minority Science Improvement Program)

Lamar Alexander,

Secretary of Education.

The Secretary amends part 637 of title 34 of the Code of Federal Regulations as follows:

PART 637—MINORITY SCIENCE IMPROVEMENT PROGRAM

1. The authority citation for part 637 is revised to read as follows:

Authority: 20 U.S.C. 1135b-1135b-3, 1135d-1135d-3, 1135d-5, and 1135d-6, unless otherwise noted.