

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 102 and 104

[Docket No. 96-055-1]

Viruses, Serums, Toxins, and Analogous Products; Biologics Establishment Licenses and Biological Product Licenses and Permits

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations regarding veterinary biological products to remove the examples of the Animal and Plant Health Inspection Service (APHIS) forms for U.S. Veterinary Biologics Establishment Licenses and U.S. Veterinary Biological Product Licenses and Permits. This action resulted from a review of APHIS regulations in response to President's Regulatory Reform Initiative. The proposed amendments have the effect of removing unnecessary material from the regulations. The APHIS forms for product licenses and permits would still be used and provided by the agency—only the examples would be removed from the regulations.

DATES: Consideration will be given only to comments received on or before October 7, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96-055-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 96-055-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday except holidays. Persons wishing to inspect comments are requested to call

ahead at (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT:

Dr. David Espeseth, Deputy Director, Veterinary Biologics, BBEP, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737-1237, (515) 734-8245.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) conducted a review of the regulations under 9 CFR 101-118 pertaining to veterinary biologics initiated under the President's Regulatory Reform Initiative to remove unnecessary material from the regulations. As part of this initiative, we are proposing to amend the regulations to remove the examples of U.S. Veterinary Biologics Establishment Licenses and U.S. Veterinary Biological Product Licenses and Permits under §§ 102.4, 102.5, and 104.7. The APHIS forms for establishment and product licenses and permits would still be used and provided by the agency—only the examples would be removed from the regulations. It is not necessary to include examples of the APHIS forms in the regulations.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

The proposed rule would remove unnecessary material from the regulations. The APHIS forms for a U.S. Veterinary Biologics Establishment License and U.S. Veterinary Biological Product License and Permit would still be used. Only the examples of the forms would be removed from the regulations. The proposed amendment would not have any adverse economic effect on producers as the APHIS forms are produced by the agency and provided to all qualifying license and permit applicants.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials (see 7 CFR part 3015, subpart V).

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects

9 CFR Part 102

Animal biologics, Reporting and recordkeeping requirements.

9 CFR Part 104

Animal biologics, Imports, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR parts 102 and 104 would be amended to read as follows:

PART 102—LICENSES FOR BIOLOGICAL PRODUCTS

1. The authority citation for part 102 would continue to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 102.4, paragraph (c) would be revised to read as follows:

§ 102.4 U.S. Veterinary Biologics Establishment License.

* * * * *

(c) U.S. Veterinary Biologics Establishment Licenses shall be numbered.

* * * * *

3. Section 102.5, paragraph (c) would be removed and paragraphs (d), (e), and (f) would be redesignated as paragraphs (c), (d), and (e).

PART 104—PERMITS FOR BIOLOGICAL PRODUCTS

4. The authority citation for part 104 would continue to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.2(d).

5. Section 104.7, paragraph (a) would be revised to read as follows:

§ 104.7 Product permit.

(a) A permit shall be numbered and dated.

* * * * *

Done in Washington, DC this 16th day of August 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–21456 Filed 8–21–96; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–CE–62–AD]

RIN 2120–AA64

Airworthiness Directives; HOAC Austria Model DV–20 Katana Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain HOAC Austria Model DV–20 Katana airplanes. The proposed action would require replacing the muffler with one of improved design, installing a heat shield around the exhaust system endpipe, and adjusting the airplane weight and balance. Reports of cracks in the welding joint that connects the exhaust system endpipe to the muffler on three of the affected airplanes prompted the proposed action. The actions specified by the proposed AD are intended to prevent separation of the exhaust system endpipe from the muffler because of cracks in the welding that connects these parts, which could result in heat damage to the electrical system and engine controls.

DATES: Comments must be received on or before October 28, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–62–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

ADDRESSES: Send comments on the proposal in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–62–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from HOAC Austria Ges.m.b.H., N.A. Otto-Strabe 5, A–2700, Wiener Neustadt. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Program Manager, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; telephone (32 2) 513.2716; facsimile (32 2) 230.6899; or Mr. Robert Alpiser, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64105; telephone (816) 426–6932; facsimile (816) 426–2169.

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 that

summarizes 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 No. 95–CE–62–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, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–62–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Austro Control GmbH, which is the airworthiness authority for Austria, recently notified the FAA that an unsafe condition may exist on certain HOAC Austria Model DV–20 Katana airplanes. The Austro Control GmbH reports cracking in the welding joint that connects the exhaust system endpipe to the muffler. These conditions, if not detected and corrected, could result in separation of the exhaust system endpipe from the muffler because of cracks in the welding joint that connects these parts, which could result in heat damage to the electrical system and engine controls.

Explanation of the Relevant Service Information

HOAC Austria has issued Service Bulletin (SB) No. 20–7/1, dated May 30, 1994, which specifies replacing the muffler with one that has an endpipe type “f”, and installing a heat shield around the exhaust system endpipe. This service bulletin references Drawing No. DV2–7800R01–00, which illustrates the heat shield installation.

The Austro Control GmbH classified HOAC Austria SB No. 20–7/1 as mandatory and issued Austro Control GmbH AD No. 77, dated June 24, 1994, in order to assure the continued airworthiness of these airplanes in Austria. Since that time, HOAC Austria has issued SB No. 20–7/2, dated September 8, 1994, which supersedes SB No. 20–7/1.

FAA’s Conclusion

This airplane model is manufactured in Austria and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR