fatigue-related cracking, if not detected and corrected, could lead to separation of the cabin seat frames from their bases during an emergency landing.

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 require a one-time visual inspection to detect fatigue-related cracking extending radially outward from the bushings welded into certain cabin seat frames; measurement to determine gap size between the bearing shaft and the lower aft and forward seat frames; and repair, if necessary. Cabin seat frames that are cracked, would be required to be repaired by welding prior to further flight. Cabin seat frames that are not cracked, having gaps exceeding a certain measurement between the bearing shaft and the lower and/or forward seat frames, would be required to be repaired by reinforcing the seat frames prior to further flight. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Modification Kit No. 303–307, which entails repair by welding and/or reinforcing the seat frames, was installed during production on Beech Model 400A airplanes equipped with Tosington cabin seat frames having serial numbers 5606 and subsequent. The applicability of this proposed AD would exclude those modified airplanes, since they are not subject to the unsafe condition addressed by this AD.

There are approximately 41 Beech Model 400A airplanes of the affected design in the worldwide fleet. The FAA estimates that 29 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed inspections, 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 is estimated to be $1,595, or $55 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

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 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:

Beech Aircraft Corporation: Docket 93–NM–145–AD.

Applicability: Beech Model 400A airplanes; serial numbers RK–1 through RK–40 inclusive, and RK–45; equipped with Tosington Cabin Seat Frames, serial numbers prior to 5606, on which Modification Kit Number 303–307 has not been installed; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent separation of the cabin seat frames from their bases during an emergency landing, accomplish the following:

(a) Within 200 hours time-in-service after the effective date of this AD, perform a visual inspection to detect fatigue-related cracking extending radially outward from the bushings welded into the cabin seat frames, in accordance with Tosington Enterprises, Inc., Service Bulletin 001, dated July 1993. If any cracking is found, prior to further flight, repair by welding in accordance with the service bulletin.

(b) Within 200 hours time-in-service after the effective date of this AD, measure the gap size between the bearing shaft and the lower aft and/or forward seat frames in accordance with Tosington Enterprises, Inc., Service Bulletin 001, dated July 1993.

(1) If the gap size is 0.32 inch or greater, prior to further flight, repair by reinforcing the cabin seat frame in accordance with the service bulletin.

(2) If the gap size is less than 0.32 inch, no further action is required.

(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, Wichita Aircraft Certification Office (ACO), FAA, Small 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, Wichita ACO.

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

Issued in Renton, Washington, on November 2, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–27374 Filed 11–5–93; 8:45 am]

BILLING CODE 4910–13–P

Research and Special Programs Administration

49 CFR Parts 172, 174, 175, 176, and 177

[Docket No. HM–217; Notice No. 93–21]

RIN 2137–AC47

Labeling Requirements for Poisonous Materials

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: RSPA is considering changes to certain labeling provisions of the Hazardous Materials Regulations (HMR) to require the use of a POISON label on packagings containing materials meeting the toxicity criteria for poisonous materials in Division 6.1, Packing Group III. These materials presently are required to bear a KEEP AWAY FROM FOOD label. The purpose of this notice is to solicit public comments on this issue.

DATES: Comments must be received on or before January 10, 1994.

ADDRESSES: Address comments to the Dockets Unit (DHM–30), Research and Special Programs Administration, U.S. Department of Transportation,

Washington, DC 20590–0001. Comments should identify the docket (HM–217) and notice number and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard showing the docket number. The Dockets Unit is located in room 8421 of the Nassif Building, 400 Seventh Street, SW., Washington, DC 20590–0001. Public dockets may be reviewed between the hours of 8:30 a.m. and 5 p.m. Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Bob Richard, Assistant International Standards Coordinator, telephone (202) 366–0586, or Beth Romo, Office of Hazardous Materials Standards, telephone (202) 366–4488, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: RSPA is considering revisions to the labeling requirements for Division 6.1 Packing Group III materials. A petition for rulemaking from the Conference on the Safe Transportation of Hazardous Articles Inc. (COSTHA) requested that RSPA issue an ANPRM addressing changes to Division 6.1 Packing Group III labeling requirements consistent with an amendment to the United Nations Recommendations on the Transport of Dangerous Goods.

I. Background

On December 21, 1990, RSPA issued a final rule under Docket HM–181 which substantially revised the HMR consistent with the UN Recommendations. The sixth objective of that rulemaking was to harmonize the HMR with the international requirements for the transportation of dangerous goods, as provided in the International Maritime Organization (IMO) International Maritime Dangerous Goods (IMDG) Code and the International Civil Aviation Organization (ICAO) Technical Instructions on the Safe Transport of Dangerous Goods by Air. These two codes, which govern most of the hazardous materials shipments imported to, or exported from, the United States, are based on the UN Recommendations.

The seventeenth session of the United Nations Committee of Experts on the Transport of Dangerous Goods (UN Committee of Experts) held in Geneva, Switzerland from December 7–16, 1992 adopted amendments to be incorporated in the eighth revised edition of the UN Recommendations. It is expected that these amendments will be incorporated in the IMDG Code and the ICAO Technical Instructions as early as January 1, 1995.

To the present time, the UN Recommendations have specified two different labels to identify materials that meet the toxicity criteria for Division 6.1. A label incorporating a skull and crossbones symbol is used for any material which poses a high (Packing Group I) or medium (Packing Group II) danger. This label, which is referred to as the POISON label, is described in 49 CFR 172.430. For any material with a minor toxicity danger (Packing Group III), a label incorporating an ear of wheat with an "X" through it is prescribed. This label, which is referred to as the KEEP AWAY FROM FOOD label, is described in § 172.431. Based on a decision of the seventeenth session of the UN Committee of Experts, the KEEP AWAY FROM FOOD label was revoked and will not be included in the eighth revised edition of the UN Recommendations. Instead, packagings containing Division 6.1 Packing Group III materials will be required to bear the POISON label. In addition, in a separate decision, the UN Committee of Experts agreed that a subsidiary POISON label is required on packagings containing a material with a subsidiary hazard of Division 6.1 Packing Group III if a material is described using a generic "n.o.s." (not otherwise specified) shipping description.

RSPA first solicited public comment on the substitution of the POISON label for the KEEP AWAY FROM FOOD label on September 2, 1992, in Notice 92–8; International Standards on the Transport of Dangerous Goods; Request for Comments (57 FR 40247). This notice was issued to assist in developing the United States position at the seventeenth session of the UN Committee of Experts held on December 7–16, 1992, in Geneva, Switzerland. The primary concern expressed in the Request for Comments was that the KEEP AWAY FROM FOOD label and the text which may be placed on the label are misleading. The label inaccurately implies that materials meeting Division 6.1 Packing Group III toxicity criteria pose a risk only of food contamination, and the label does not communicate other hazards such as dermal and inhalation effects. In addition, the label would best be characterized as a handling label rather than a hazard alerting or warning label.

An in-depth explanation of the issues leading up to the question of whether to amend the UN Recommendations by requiring the POISON in lieu of the KEEP AWAY FROM FOOD label was provided in the Notice 92–8 Request for Comments. Four commenters, the Hazardous Materials Advisory Council (HMAC), the Association of American Railroads, the Chemical Specialties Manufacturers Association (CSMA), and a multi-national chemical company, submitted comments in response to Notice 92–8. All four commenters opposed the removal of the KEEP AWAY FROM FOOD label, citing the negative perception and operational constraints placed on packages bearing the POISON label or placard. HMAC and CSMA suggested adoption of a more appropriate pictogram to distinguish Division 6.1 Packing Group III materials from those Division 6.1 Packing Group I and II materials posing a greater danger.

II. Request for Comments

If the HMR are amended to remove the KEEP AWAY FROM FOOD label, a POISON label would be required on packagings containing Division 6.1 Packing Group III materials. In addition, a subsidiary POISON label would be required on packages containing materials having a subsidiary hazard of Division 6.1, Packing Group III when these materials are transported under an n.o.s. shipping description. Consistent with these changes, bulk packagings containing Division 6.1 Packing Group III materials that are required to be placarded would be required to bear the POISON placard.

If such a change is adopted, RSPA does not contemplate more severe operational requirements on Division 6.1 Packing Group III materials. Therefore, amendments to certain modal requirements would be necessary; for example, §§ 174.680, 175.630, 176.600 and 177.841 contain differing operational requirements for packages bearing a POISON label or a KEEP AWAY FROM FOOD label. The current requirements for packages bearing a POISON label would be revised to refer to poisonous materials in Division 6.1 Packing Group I and Packing Group II. Similarly, requirements for packages currently labeled KEEP AWAY FROM FOOD would apply to Division 6.1 Packing Group III materials.

RSPA recognizes that the use of the POISON label for Division 6.1 Packing Group I and Packing Group II materials and the KEEP AWAY FROM FOOD label for Packing Group III materials facilitates compliance with operational requirements as well as certain handling requirements in Subpart D of Part 174. In a paper submitted to the UN Committee of Experts, RSPA recommended that if the POISON label was used to identify Division 6.1

Packing Group III materials, the symbol "III" should be placed on the lower part of the label to denote the level of hazard in the case of Division 6.1 Packing Group III materials.

RSPA is requesting comments in response to the following questions:

1. The STOW AWAY FROM FOODSTUFFS instruction on the Division 6.1 Packing Group III label is also an appropriate instruction for Division 6.1 Packing Group I and Packing Group II materials. Should this label be retained and required as an additional label for all Division 6.1 materials, independent of packing group?

2. Other than the current labeling provisions, which distinguish Division 6.1 Packing Group I and Packing Group II materials from Packing Group III materials, are there other effective means (e.g., a package marking or shipping paper notation) that may be used to facilitate compliance with the applicable operating and handling requirements?

3. If the KEEP AWAY FROM FOOD label is removed and the POISON label is required for Packing Groups I, II and III, should the Packing Group III label be altered in some manner so that packagings containing Division 6.1 Packing Group III materials can be distinguished from Packing Group I and II materials? If so, please provide examples. Should the use of such an altered label be required or optional?

4. What costs would be incurred by industry (e.g., operational and handling costs) if a POISON label and placard are required for packages containing Division 6.1, Packing Group III materials?

III. Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This advance notice of proposed rulemaking does not meet the criteria specified in section 3(f) of Executive Order 12866 and, therefore, is not a significant rule. The proposed rule is not considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034).

Executive Order 12612

RSPA will evaluate any proposed rule in accordance with the principles and criteria in Executive Order 12612 ("Federalism").

Regulatory Flexibility Act

This proposed rule would apply to shippers and carriers of Division 6.1 Packing Group III materials and would not have any direct or indirect adverse economic impacts on small units of government, businesses, or other organizations. Therefore, I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification is subject to modification as a result of a review of comments received in response to this proposal.

Paperwork Reduction Act

There are no new information collection requirements in this proposed rule.

Issued in Washington, DC, on November 3, 1993 under authority delegated in 49 CFR part 106, appendix A.

Robert A. McGuire,

Acting Associate Administrator for Hazardous Materials Safety.

[FR Doc. 93-27436 Filed 11-5-93; 8:45 am]

BILLING CODE 4910-60-P

National Highway Traffic Safety Administration

49 CFR Parts 571 and 575

[Docket No. 93-81, Notice 1]

RIN 2127-AE70

Federal Motor Vehicle Safety Standards; New Pneumatic Tires

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice follows the agency's granting of a petition filed by the Rubber Manufacturers Association to amend Federal Motor Vehicle Safety Standard No. 109, New Pneumatic Tires, and the Uniform Tire Quality Grading Standards, to include a maximum inflation pressure of 350 kiloPascals (51 pounds per square inch), thus permitting the manufacture, testing, and sale of tires with that inflation pressure. The agency proposes to amend these rules to include the requested maximum inflation pressure. The agency proposes to limit the 350 kPa maximum tire pressure only to tires for use on energy efficient vehicles, including electric vehicles. This limitation is intended to address potential problems that could occur if these high-pressure tires were intermixed with conventional lower-pressure tires.

DATES: Comment closing date: Comments on this notice must be received on or before January 7, 1994.

Proposed effective date: If adopted, the amendment proposed in this notice would become effective 30 days after publication of the final notice.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, SW., room 5109, Washington, DC 20590. Docket room hours are from 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Cook, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Room 5307, Washington. DC 20590.

SUPPLEMENTARY INFORMATION:

Background

Federal Motor Vehicle Safety Standard (FMVSS or Standard) No. 109, New Pneumatic Tires (49 CFR 571.109), specifies requirements applicable to passenger car tires for strength, endurance, high speed performance, and bead unseating resistance. The standard also defines tire load ratings and specifies dimensions, maximum tire inflation pressures, and labeling requirements for passenger car tires.

Pertinent to this notice, the standard limits the choice of tire manufacturers in selecting the maximum inflation pressures for their tires. Under paragraph S4.2.1(b), tires other than CT tires must have one of the following maximum inflation pressures: 240, 280, 290, 300, 330, or 340 kiloPascals (kPa) or 32, 36, 40 or 60 pounds per square inch (psi). For CT tires, the maximum permissible pressures are 290, 300, 350, or 390 kPa or 32, 36, 40, or 60 psi. CT tires are pneumatic tires with an inverted flange tire and rim system in which the rim flanges point radially inward and the tire fits on the underside of the rim such that the rim flanges are inside the air cavity of the tire.

A manufacturer's selection of a maximum inflation pressure for a tire has the effect under the standard of determining the pressures at which that tire is tested for compliance. For each permissible maximum pressure, Table II, Appendix A, Standard 109 specifies pressures at which the standard's tests are conducted. Limiting the permissible maximum inflation pressures to the ones listed in the table reduces the likelihood of there being tires of the same size on the same vehicle with one maximum load value, but with two different maximum permissible inflation pressures.

The Uniform Tire Quality Grading Standards (UTQGS) requires motor vehicle and tire manufacturers and tire brand name owners to mold into or onto