

# 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 TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-NM-234-AD]

#### Airworthiness Directives; McDonnell Douglas Model MD-11 and DC-10 Series Airplanes, and KC-10A (Military) 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 MD-11 and DC-10 series airplanes, and KC-10A (military) airplanes. That AD currently requires functional testing to verify proper installation of the electrical connectors to the engine generator and fire bell shutoff switches, and correction of the installation, if necessary. This action would require installation of tethers on the electrical connectors to the engine generator and fire bell shutoff switches, which would terminate the requirement to perform functional tests repetitively. This proposal is prompted by the development of a modification that minimizes the possibility of improperly connecting (crossing) the electrical connectors to the fire extinguishing handles. The actions specified by the proposed AD are intended to prevent the wrong engine-driven generator from being shut down unnecessarily in the event of an engine fire warning.

**DATES:** Comments must be received by May 13, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-234-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). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

**FOR FURTHER INFORMATION CONTACT:** Raymond Vakili, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5262; fax (310) 627-5262.

#### 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-234-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-234-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

On November 7, 1994, the FAA issued AD 93-25-09 R1, amendment 39-9070 (59 FR 56383, November 14, 1994), applicable to certain McDonnell Douglas Model MD-11 and DC-10 series airplanes, and KC-10A (military) airplanes. That AD requires that operators perform repetitive functional tests to verify proper installation of the electrical connectors to the engine generator and fire bell shutoff switches, and correction of the installation, if necessary; and that operators submit a report to the FAA that details the findings of discrepancies identified during the accomplishment of the initial functional test. That action was prompted by a report indicating that the electrical connectors to the fire extinguishing handles were found to be connected incorrectly (crossed) on one airplane. The requirements of that AD are intended to prevent the wrong engine-driven generator from being shut down unnecessarily in the event of an engine fire warning.

Since the issuance of that AD, the manufacturer has developed a modification, which would eliminate the need for the functional tests required by AD 93-25-09 R1. This modification would minimize the possibility of improperly connecting (crossing) the electrical connectors to the fire extinguishing handles.

The FAA has reviewed and approved McDonnell Douglas Service Bulletin MD11-26-018, dated August 24, 1995 (for Model MD-11 series airplanes), and McDonnell Douglas Service Bulletin DC10-26-047, dated May 4, 1995 [for Model DC-10 series airplanes and KC-10A (military) airplanes], which describe procedures for modification of the electrical connectors to the engine generator and fire bell shutoff switches. This modification entails installing tethers on the electrical connectors to the engine generator and of the fire bell shutoff switches located forward of the

overhead circuit breaker panel in the flight compartment.

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 93-25-09 R1 to continue to require that operators perform functional tests following any maintenance performed on the fire extinguishing handle system to verify proper installation of the electrical connectors to the engine generator and fire bell shutoff switches, and correction of the installation, if necessary. This newly proposed AD requires installation of tethers on the electrical connectors to the engine generator and fire bell shutoff switches, which would terminate the requirement to perform functional tests repetitively. The actions would be required to be accomplished in accordance with the applicable service bulletin described previously.

There are approximately 570 McDonnell Douglas Model MD-11 and DC-10 series airplanes, and KC-10A (military) airplanes of the affected design in the worldwide fleet. The FAA estimates that 270 airplanes of U.S. registry would be affected by this proposed AD.

The checks that are currently required by AD 93-25-09 R1 (and retained by this proposed action) take approximately 0.5 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact on U.S. operators of the actions currently required is estimated to be \$8,100, or \$30 per airplane.

The modification that is proposed by this AD action would take approximately 6 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would be nominal in cost. Based on these figures, the cost impact on U.S. operators of the proposed requirements of this AD is estimated to be \$97,200, or \$360 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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), 40113, 44701.

##### **§ 39.13 [Amended]**

2. Section 39.13 is amended by removing amendment 39-9070 (59 FR 56383, November 14, 1994), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 95-NM-234-AD. Supersedes AD 93-25-09 R1, Amendment 39-9070.

*Applicability:* Model MD-11 series airplanes as listed in McDonnell Douglas MD-11 Alert Service Bulletin A26-16, dated November 22, 1993; and Model DC-10 series airplanes and KC-10A (military) airplanes as listed in McDonnell Douglas DC-10/KC-10A Alert Service Bulletin A26-46, dated December 6, 1993; 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 request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of

the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent the wrong engine-driven generator from being shut down unnecessarily in the event of an engine fire warning, accomplish the following:

(a) As of January 7, 1994 (the effective date of AD 93-25-09, amendment 39-8775), prior to further flight following any maintenance performed on the fire extinguishing handle system, perform a functional test to verify proper installation of the electrical connectors to the engine generator and fire bell shutoff switches in accordance with the Accomplishment Instructions of McDonnell Douglas MD-11 Alert Service Bulletin A26-16, dated November 22, 1993 (for Model MD-11 series airplanes); or McDonnell Douglas DC-10/KC-10A Alert Service Bulletin A26-46, dated December 6, 1993 [for Model DC-10 series airplanes, and KC-10A (military) airplanes]; as applicable.

(b) If the electrical connectors are found to be properly installed, repeat the functional test thereafter prior to further flight following any maintenance performed on the fire extinguishing handle system, until the requirements of paragraph (d) of this AD are accomplished.

(c) If the electrical connectors are found to be improperly installed, prior to further flight, correct the wiring installation and repeat the functional test, in accordance with the Accomplishment Instructions of McDonnell Douglas MD-11 Alert Service Bulletin A26-16, dated November 22, 1993 (for Model MD-11 series airplanes); or McDonnell Douglas DC-10/KC-10A Alert Service Bulletin A26-46, dated December 6, 1993 [for Model DC-10 series airplanes, and KC-10A (military) airplanes]; as applicable. Thereafter, repeat the functional test prior to further flight following any maintenance performed on the fire extinguishing handle system, until the requirements of paragraph (d) of this AD are accomplished.

(d) Within 24 months after the effective date of this AD, install tethers on the electrical connectors to the engine generator and fire bell shutoff switches in accordance with McDonnell Douglas Service Bulletin MD11-26-018, dated August 24, 1995 (for Model MD-11 series airplanes), or McDonnell Douglas Service Bulletin DC10-26-047, dated May 4, 1995 [for Model DC-10 series airplanes and KC-10A (military) airplanes], as applicable. This installation constitutes terminating action for the functional tests required by this AD.

(e) 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.

(f) 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 March 13, 1996.

James V. Devany,

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

[FR Doc. 96-6541 Filed 3-19-96; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 101

[Docket Nos. 95N-0282, 95N-0347, 95N-0245]

#### Food Labeling; Extension of Comment Periods

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rules; extension of comment periods.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that it is extending to April 11, 1996, the comment periods for certain proposed regulations regarding food labeling that appeared in the Federal Register of December 28, 1995. This action is being taken in response to several requests for brief extensions of the comment periods on these documents.

**DATES:** Comments by April 11, 1996.

**ADDRESSES:** Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm., 1-23, 12420 Parklawn Dr., Rockville, MD 20857. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments should be identified with the appropriate docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Camille Brewer, Center for Food Safety and Applied Nutrition (HFS-165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-5483, or Susan Thompson (address above), 202-205-5587.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of December 28, 1995,

FDA published the following proposed rules:

(1) Food Labeling; Requirements for Nutrient Content Claims, Health Claims, and Statements of Nutritional Support for Dietary Supplements (Docket No. 95N-0282 (see 60 FR 67176));

(2) Food Labeling; Nutrient Content Claims: Definition for "High Potency" Claim for Dietary Supplements and Definition of "Antioxidant" for Use in Nutrient Content Claims for Dietary Supplements and Conventional Foods (Docket No. 95N-0347 (see 60 FR 67184)); and

(3) Food Labeling; Statement of Identity, Nutrition Labeling and Ingredient Labeling of Dietary Supplements (Docket No. 95N-0245 (see 60 FR 67194)).

Interested persons were given until March 13, 1996, to comment on the proposals. FDA received several requests for brief extensions of the comment periods to properly respond to the proposals. After careful consideration, FDA decided to extend the comment periods to April 11, 1996 (see 21 CFR 10.40(b)(3)). FDA has placed a memorandum, dated March 13, 1996, that reflects this decision in each of the referenced dockets.

Dated: March 15, 1996.

William K. Hubbard,  
*Associate Commissioner for Policy  
Coordination.*

[FR Doc. 96-6663 Filed 3-15-96; 12:08 pm]

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#### 21 CFR Parts 801, 803, 804, and 897

[Docket No. 95N-0253]

#### Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products To Protect Children and Adolescents; Reopening of the Comment Period as to Specific Documents

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule; reopening of comment period as to specific documents.

**SUMMARY:** The Food and Drug Administration (FDA) is reopening to April 19, 1996, as to specific documents, the comment period on its proposed regulations restricting the sale and distribution of nicotine-containing cigarettes and smokeless tobacco products to children and adolescents, which was published in the Federal Register of August 11, 1995 (60 FR 41314). FDA is reopening the comment period for 30 days for the sole purpose

of inviting public comments on the information being added to the administrative record. Elsewhere in this issue of the Federal Register, FDA is reopening the comment period, as to specific documents, for a document entitled "Analysis Regarding Food and Drug Administration Jurisdiction Over Nicotine-Containing Cigarettes and Smokeless Tobacco Products," which also was published in the Federal Register of August 11, 1995 (60 FR 41453).

**DATES:** Written comments must be received or postmarked on or before April 19, 1996. Comments postmarked after such date will not be considered.

**ADDRESS:** Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Philip L. Chao, Office of Policy (HF-23), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-3380.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of August 11, 1995 (60 FR 41314), FDA issued a proposed rule that would restrict the sale and distribution of nicotine-containing cigarettes and smokeless tobacco products in order to protect children and adolescents. The proposed rule would reduce easy access to these products by children and adolescents and decrease the amount of imagery that makes these products attractive to children and adolescents. The proposed rule contains provisions stating that 18 years of age would be the Federal minimum age of purchase and that would prohibit cigarette vending machines, free samples, mail order sales, and self-service displays. The rule also proposed to require that retailers comply with certain conditions regarding tobacco sales, such as verifying the purchaser's age. In addition, the proposed rule contains provisions to limit advertising and labeling to which children and adolescents are exposed to a text-only format; to ban the sale or distribution of branded, non-tobacco items (such as hats and tee shirts); to restrict sponsorship of events to the corporate name only; and to require manufacturers to establish and maintain a national public education campaign.

By announcement in the Federal Register of October 16, 1995 (60 FR 53560), FDA extended to January 2, 1996, the comment period on the proposed rule. (By that extension, the agency provided a comment period of more than 140 days on the notice of