Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–03–02 McDonnell Douglas: Amendment 39–11014. Docket 99–NM–10–AD.

Applicability: All Model MD–11 series airplanes, 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 (d) 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 electrical arcing of certain wiring, which could cause a fire and/or smoke in the cockpit or cabin, accomplish the following:

(a) Within 60 days after the effective date of this AD: Perform the one-time visual inspections required by paragraphs (a)(1), (a)(2), and (a)(3) of this AD to detect discrepancies (including loose wire connections, loose ground wires, broken bonding wires, small wire bending radii, cracked support brackets, and chafed and cracked wire insulation); in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(1) Inspect all cabin wiring and insulation, including the wire harness protective wrap if applicable, on and above the forward cabin drop ceiling, from the cockpit bulkhead (at approximately station 392) to the aft edge of the forward drop ceiling (at approximately station 516). And

(2) Inspect all cockpit wiring and insulation, including the wire harness protective wrap if applicable, within the overhead switch panel and overhead circuit breaker panel (at approximately stations 304 through 360). And

(3) Inspect all cockpit wiring and insulation, including the wire harness protective wrap if applicable, in the following areas:

- Aft of the overhead circuit breaker panel (at approximately station 360);
- Forward of the cockpit entry bulkhead (at approximately station 392);
- 16 inches left of centerline (at approximately station X = −16); and
- Above the top edge of the right clear-view window, including wiring within and outboard of the upper and lower avionics circuit breaker panels.

Note 2: Inspection of wiring within conduits is not required by this AD.

Note 3: Insulation blankets (which hide wiring that is generally routed through conduits) and wire harness protective wrap (including gray sleeving, spiral wrap, and centerline tape) are not required to be removed during the inspection.

(b) If any discrepancy is detected during any inspection required by paragraph (a) of this AD, prior to further flight, repair in accordance with Chapter 20, Standard Wiring Practices of the MD–11 Wiring Diagram Manual, dated October 1, 1998.

(c) Within 10 days after accomplishing the inspections required by paragraph (a) of this AD, submit a report of the inspection results (both positive and negative findings) to the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712–4137; fax (562) 627–5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(d) 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 ACO. 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 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) This amendment becomes effective on February 12, 1999.

Issued in Renton, Washington, on January 21, 1999.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–1976 Filed 1–27–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 564

[Docket No. 95N–0313]

Standards for Animal Food and Food Additives in Standardized Animal Food

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to remove its animal food standards regulations. The action is in response to the administration's ''Reinventing Government'' initiative, which seeks to streamline government to ease the burden on regulated industry and consumers, and it is intended to remove unnecessary regulations.

DATES: This final rule becomes effective on March 1, 1999.

FOR FURTHER INFORMATION CONTACT: George Graber, Center for Veterinary Medicine (HFV–220), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6651, E-mail: ggraber@bangate.fda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of November 25, l996 (61 FR 59845), FDA published a proposed rule that would remove part 564 (21 CFR part 564), Definitions and Standards for Animal Food, of subchapter E, Animal Drugs, Feeds, and Related Products. Subpart A of part 564 contains procedural regulations for establishing standards for animal food, and subpart B contains regulations applicable to food additives included in standardized animal foods.

FDA continues to believe, as stated in the preamble to the proposed rule, that because neither FDA nor the private sector has ever used the procedures in part 564 to develop a regulatory standard, part 564 is unnecessary. Further, should FDA ever receive a request to develop an animal food standard regulation, the agency could determine whether procedural regulations are necessary and issue such procedures through the notice and comment rulemaking process as the standard was being developed.

II. Response to Comments

Forty-two comments were received on the proposed rule. Four comments were from organizations and the remainder from individuals. The majority of comments appear to have been prompted by an ''Action Alert'' (Alert) issued by one organization that states that there is no Federal regulation of animal food. The Alert states that enforcement is inconsistent and that standards for animal nutrition are inadequate.

1. Thirteen comments were identical form letters that repeat virtually the same language contained in the Alert, but concluding with the statement ''Apparently, there is no interest by your department, the FDA, in developing a regulatory standard for animal and food

additives, although there is a need for such standards. Therefore, the current regulation should be eliminated as a part of President Clinton's 'Reinventing Government' initiative.''

2. Twelve comments digress from the issue at hand, to discuss topics such as bovine spongiform encephalopathy or other animal food safety matters that do not relate to part 564.

3. The remaining comments paraphrased the form letter mentioned previously. Many included the erroneous statement that ''At the present there is NO federal regulation of animal food,'' adding that regulation is only at the State level. The comments inaccurately concluded that part 564 provides our only authority to regulate animal foods, implying that in this regulation's absence we have no authority to regulate.

FDA disagrees with comments that suggest removal of part 564 adversely affects the agency's authority to regulate animal food. A misconception of FDA's regulatory authority apparently exists, because the agency has never relied on part 564 for regulation of animal food. FDA's authority under the Federal Food, Drug, and Cosmetic Act (the act), and the regulations under 21 CFR part 501 (labeling), 21 CFR part 502 (common or usual names), 21 CFR part 509 (contaminants), 21 CFR parts 570, 571, and 573 (food additives), 21 CFR part 579 (irradiation), 21 CFR part 582 (generally recognized as safe (GRAS) substances), and 21 CFR part 589 (prohibited substances), provide adequate authority for the needed regulation of animal food formulation and labeling.

The act prohibits the sale of adulterated and misbranded food in interstate commerce. The definition of food relates to food for man or animal, i.e., feed. The act also allows the agency to establish standards of identity or standards of fill as needed. However, there has been no interest or perceived need by the agency or other parties in developing standards under part 564.

In addition to the existing regulations and statute cited previously, FDA and State regulatory authorities recognize the common feed ingredient definitions established by the Association of American Feed Control Officials (AAFCO) with input from FDA. Feed ingredient definitions consist of specifications established to standardize feed ingredients to ensure that the production, sale and use of ingredients will result in safe and effective feeds. AAFCO has also developed standards, such as the AAFCO Dog and Cat Nutrient Profiles and Feeding Protocols, to help ensure that pet foods contain ingredients needed to meet the animals' nutritional requirements. FDA considers these protocols to be acceptable and appropriate for the evaluation of performance characteristics of commercial foods for dogs and cats.

The definitions and standards that AAFCO issues have served as models for State laws and regulations covering feed ingredients and their proper labeling. Because most pet food manufacturers market products in more than one State, those companies are obligated to manufacture and label pet food products to be in compliance with both FDA and State laws. Thus, the agency finds no basis to conclude that removal of part 564 would adversely affect the authority to regulate animal food.

III. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866, under the Regulatory Flexibility Act (5 U.S.C. 601–612), and under the Unfunded Mandates Reform Act (Pub. L. 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages, and distributive impacts and equity). The Regulatory Flexibility Act requires agencies to examine the economic impact of a rule on small entities. The Unfunded Mandates Reform Act requires agencies to prepare an assessment of anticipated costs and benefits before enacting any rule that may result in an expenditure in any 1 year by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation). The agency has reviewed this final rule and has determined that the rule is consistent with the principles set forth in the Executive Order and in these two statutes. FDA finds that the rule will not be a major rule under the Executive Order.

The rule would remove the regulations establishing standards for animal foods, since neither FDA nor the private sector have ever used the procedures for developing a regulatory standard. FDA is taking this action in response to the administration's ''Reinventing Government'' initiative which seeks to remove unnecessary regulations.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this rule will have on small entities, including small businesses, and certifies that the rule will not have a significant economic impact on a substantial number of small entities. FDA has also analyzed this rule in accordance with the Unfunded Mandates Reform Act and determined that the rule will not result in the expenditure by State, local, and tribal Governments, in the aggregate, or by the private sector of $100 million. Therefore, no further analysis is required.

IV. Environmental Impact

The agency has determined under 21 CFR 25.30(h) 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.

V. The Paperwork Reduction Act of 1995

FDA tentatively concludes that this final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

List of Subjects in 21 CFR Part 564

Animal foods, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 564 is removed and reserved.

PART 564—DEFINITIONS AND STANDARDS FOR ANIMAL FOOD

1. Part 564 is removed and reserved.

Dated: January 22, 1999.

William K. Hubbard,

Associate Deputy Commissioner for Policy.

[FR Doc. 99–2057 Filed 1–27–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF JUSTICE

28 CFR Part 0

[AG Order No. 2204–99]

Withdrawal of the Attorney General's Delegation of Gift-Acceptance Authority to the Director of the Bureau of Prisons and the Administrator of the Drug Enforcement Administration

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule eliminates current rules that delegate to the Director of the Bureau of Prisons the Attorney