Transport Airplane Directorate; or the Civil Aviation Authority (or its delegated agent).

(2) Drill a drain hole in the flap nacelle fairing on each wing flap, in accordance with Jetstream Alert Service Bulletin J41–A57–015, dated May 27, 1996, Revision 1, dated August 23, 1996, or Revision 2, dated June 30, 1997.

(3) Apply new primer and sealant to the gap between the wing flap and flap nacelle fairing, in accordance with Jetstream Alert Service Bulletin J41–A57–015, Revision 1, dated August 23, 1996, or Revision 2, dated June 30, 1997.

(b) Within 3,000 hours time-in-service after the effective date of this AD: Modify the wing flap structure in accordance with Jetstream Service Bulletin J41–57–017, dated May 9, 1997. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements 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, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(d) 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.

Note 3: The subject of this AD is addressed in British airworthiness directive 006–05–96.

Issued in Renton, Washington, on February 9, 1999.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–3727 Filed 2–16–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

14 CFR Part 382

[Docket OST–99–5099; Notice No: 99–2]

RIN 2105–AC77

Nondiscrimination on the Basis of Disability in Air Travel; Compensation for Damage to Wheelchairs and Other Assistive Devices

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Department is proposing to amend its rules implementing the Air Carrier Access Act of 1986 to lift an existing cap on the amount of compensation airlines would have to pay to passengers for loss or damage of their wheelchair users and other assistive devices. The proposal is intended to provide additional relief to passengers using expensive assistive devices when they are destroyed or seriously damaged in the course of airline travel.

DATES: Comments are requested by May 18, 1999. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Comments should be sent, preferably in triplicate, to Docket Clerk, Docket No. OST–99–5099, Department of Transportation, 400 7th Street, S.W., Room PL–401, Washington, D.C., 20590. Comments will be available for inspection at this address from 10:00 a.m. to 5:00 p.m., Monday through Friday, and are also viewable through the dockets link on the Department's web site (www.dot.gov). Commenters who wish the receipt of their comments to be acknowledged should include a stamped, self-addressed postcard with their comments. The Docket Clerk will date-stamp the postcard and mail it back to the commenter.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, S.W., Room 10424, Washington, D.C., 20590. (202) 366–9306 (voice); (202) 755–7687 (TDD); 202–366–9313 (fax); bob.ashby@ost.dot.gov (e-mail).

SUPPLEMENTARY INFORMATION: This NPRM concerns the issue of compensation for loss of or damage to wheelchairs or other assistive devices. The current regulation provides that

> With respect to domestic flights, carriers shall not limit liability for loss, damage or delay concerning wheelchairs or other mobility aids to any amount less than twice the liability limits established for passengers' luggage under 14 CFR Part 254. (14 CFR § 382.43(b)).

This means that carriers can refuse to pay compensation exceeding $2,500 for loss of or damage to wheelchairs or other assistive devices, given the present $1,250 liability limit for luggage that Part 254 permits carriers to impose in domestic transportation. People with disabilities have complained that this does not provide adequate compensation for the loss of or serious damage to expensive equipment, such as power wheelchairs that may cost $15,000 or more. Given that a passenger whose wheelchair is lost or seriously damaged will lose his or her mobility at the destination, people with disabilities believe that the Department should require airlines to do more, such as pay full compensation for the loss and make repair or loaner service available.

The Department considered this issue in the original Air Carrier Access Act (ACAA) rulemaking (see 55 FR 8038; March 6, 1990). In response to similar disability group comments at that time, the Department responded that requiring carriers to pay full replacement value did not sufficiently recognize the ability of passengers to purchase insurance for such expensive items. Consequently, the final rule permitted airlines to cap their liability at twice the liability limit for general baggage.

Nevertheless, the Department believes it may be useful to reopen the issue at this time. The Department believes, based on anecdotal information, that the majority of wheelchairs used in air travel are manual wheelchairs, many of which cost less than $2500. However, other travelers use power wheelchairs, which typically are stowed in checked baggage and many of which, if lost, damaged, or destroyed, could cost substantially more than $2500 to repair or replace (e.g., over $13,000 in one recent case brought to our attention). Consequently, there may be relatively few instances of wheelchair loss or damage that would be affected by the proposed rule change, limiting cost exposure to airlines. However, the proposed rule would mitigate the potentially severe financial hardship to individuals whose expensive wheelchairs are lost or damaged. We seek comment on need for raising or eliminating the current cap on carrier liability for damage to wheelchairs.

We also seek comment on whether additional regulatory guidance is necessary on how compensation should be calculated (e.g., depreciated value vs. replacement cost). In addition, the Department seeks comment on whether it is desirable and practical to include other requirements, such as a requirement that airlines provide a ''loaner'' device or ensure the repair of wheelchairs or other assistive devices that have been damaged in transit. This NPRM is intended to be a vehicle for comment on all these issues. The Department has not determined what, if any, changes to make in its rules.

In connection with this NPRM, we request that interested parties, including disability groups and airlines, provide information on the following points, which will help us to evaluate the necessity for rulemaking and the potential costs of a rule:

(1) The number of domestic passenger complaints (including letters of phone calls, ''Mishandled Baggage Reports,''

and claims for compensation) about lost, damaged, or destroyed wheelchairs or other assistive devices;

(2) The number of such complaints in which passengers assert that their monetary loss (e.g., the cost of repair or replacement) would exceed $2500;

(3) The average amount by which assertions of passengers' monetary losses exceeded $2500; and

(4) The availability and cost of insurance for expensive wheelchairs and other assistive devices.

We also seek information about the need, design, costs, and logistics of a ''loaner'' system.

Regulatory Analyses and Notices

This NPRM does not propose a significant rule under Executive Order 12866 or a significant rule under the Department's Regulatory Policies and Procedures. The Department does not currently have data allowing it to estimate the probable cost of the rule. The preamble asks for data that, if provided, should allow the Department to make a reasonable estimate of the costs of any final rule based on this proposal.

The Department certifies that this rule, if adopted, would not have a significant economic effect on a substantial number of small entities. The basis for this statement is the probability that the overall national annual costs would not be great. Nevertheless, the Department seeks comment on whether there are impacts on small entities the Department should consider, and what those impacts are. If comments provide information that there are significant small entity impacts, the Department will provide a regulatory flexibility analysis at the final rule stage. The Department does not believe that there would be sufficient Federalism impacts to warrant the preparation of a Federalism Assessment.

List of Subjects in 14 CFR Part 382

Aviation, Individuals with disabilities.

Issued this 8th day of February, 1999, at Washington, D.C.

Rodney E. Slater,

Secretary of Transportation.

For the reasons set forth in the preamble, the Department proposes to amend 14 CFR part 382 as follows:

1. The authority citation for 14 CFR part 382 is proposed to continue to read as follows:

Authority: 49 U.S.C. 41702, 41705, and 41712.

2. In § 382.43, paragraph (b) is proposed to be revised to read as follows:

§ 382.43 Treatment of mobility aids and assistive devices.

* * * * *

(b) With respect to domestic transportation, the baggage liability limits of 14 CFR part 254 do not apply to liability for loss, damage, or delay concerning wheelchairs or other asssistive devices.

* * * * *

[FR Doc. 99–3760 Filed 2–16–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 179

[Docket No. 98N–1038]

Irradiation in the Production, Processing, and Handling of Food

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is considering proposing revisions of its labeling requirements for foods treated with ionizing radiation. FDA is publishing this advance notice of proposed rulemaking (ANPRM) in response to the direction given in the Joint Explanatory Statement of the Committee of Conference that accompanied the Food and Drug Administration Modernization Act of 1997 (FDAMA). The FDAMA Joint Statement directed FDA to publish for public comment proposed changes to current regulations relating to the labeling of foods treated with ionizing radiation. As a first step, the agency is making available to the public, through this document, various documents including the relevant text from the FDAMA Joint Statement; prior FDA rulings regarding food irradiation; recent submissions to FDA regarding the labeling of irradiated foods, including a citizen petition; a report of a meeting attended by FDA representatives at which labeling of irradiated foods was discussed; and other relevant materials. The agency encourages interested persons to submit comments, including pertinent data and information, to aid FDA's consideration of revisions to the labeling requirements for irradiated foods.

DATES: Written comments must be submitted by May 18, 1999.

ADDRESSES: Submit written comments and supporting material to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Patricia A. Hansen, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3093.

SUPPLEMENTARY INFORMATION:

I. Introduction

Through a series of proceedings under section 409 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348), FDA has approved the use of ionizing radiation on various foods under specific conditions. These approvals are codified in FDA's regulations at § 179.26 (21 CFR 179.26).[1] The agency's regulations require that the label and labeling of retail packages or displays of foods treated with ionizing radiation include both the radura logo (the international symbol that indicates radiation treatment) and a disclosure statement (either ''Treated with radiation'' or ''Treated by irradiation'') in addition to information required by other regulations (§ 179.26(c)(1) and (c)(2)). The regulations require that the logo be placed prominently and conspicuously in conjunction with the required statement.

On November 21, 1997, President Clinton signed FDAMA into law (Pub. L. 105–115). Section 306 of FDAMA amended the act by adding section 403C (21 U.S.C. 342–3). Section 403C of the act addresses the disclosure of irradiation on the labeling of food as follows:

(a) No provision of section 201(n), 403(a), or 409 shall be construed to require on the label or labeling of a food a separate radiation disclosure statement that is more prominent than the declaration of ingredients required by section 403(i)(2).

(b) In this section, the term 'radiation disclosure statement' means a written statement that discloses that a food has been intentionally subject to irradiation.

Although FDA's regulations did not specify how prominent a radiation disclosure must be, the agency concluded there was merit to having the regulation in § 179.26 include the prominence specification of the new statutory provision. Accordingly, in the **Federal Register** of August 17, 1998 (63 FR 43875), FDA amended its labeling requirement for irradiated foods to state that a radiation disclosure statement is

[1] Two of FDA's most recent approvals authorized the use of irradiation to reduce microbial pathogens on meat and poultry. Recently, the use of irradiation has received increased attention as an important potential tool for reducing foodborne illness.