

# 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

### Food Safety and Inspection Service

#### 9 CFR Parts 317 and 381

[Docket No. 98-014N]

#### Nutrition Labeling; Health Claims on Meat and Poultry Products

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Notice of withdrawal of proposed rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is withdrawing its proposed rule, "Nutrition Labeling; Health Claims on Meat and Poultry Products," published in the **Federal Register** on May 25, 1994 (59 FR 27144). The rule proposed to amend the Federal meat and poultry products inspection regulations by proposing requirements for permitting the use of health claims on the labeling of meat and poultry products that characterize the relationship of a substance (food or food component) to a disease or health-related condition. The rule also proposed regulations establishing a labeling application process for such health claims. FSIS' proposal (Docket No. 93-002P) has become obsolete because of changes made by the Food and Drug Administration (FDA) in its original final rule and in its subsequent rulemaking on health claims. Therefore, FSIS intends to propose a more comprehensive document on health claims regulations for meat and poultry products that will parallel those regulations issued by FDA for other foods.

**ADDRESSES:** Send comments to: FSIS Docket Clerk, Docket No. 98-014N, Room 102, Cotton Annex Building, 300 12th Street, SW, Washington, DC 20250-3700. Any comments received will be available for public inspection in the Docket Room from 8:30 a.m. to 4:30 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Mr. William Hudnall, Assistant Deputy Administrator, Office of Policy, Program Development, and Evaluation, at (202) 205-0495; FAX (202) 401-1760.

**SUPPLEMENTARY INFORMATION:** The Agency's final rule on health claims on meat and poultry products would have authorized health claims related to the characterization of the relationship of a substance to a disease or health-related condition on product labeling. FSIS' proposed rule paralleled FDA's original final rule on health claims that was issued on January 6, 1993 (58 FR 2478). However, three subsequent rulemakings by FDA on additional health claims for substances such as oat bran and psyllium have made FSIS' proposed rule and its pending final rule obsolete. Under provisions of recent legislation establishing new procedures for health claims, FDA is expected to continue authorizing health claims for additional substances on an incremental basis.

With this notice, FSIS is officially withdrawing its proposed rule (Docket No. 93-002P) of May 25, 1994, and will later publish a new proposed rule to authorize health claims for meat and poultry products that is parallel to the extent possible with FDA's. FSIS also is prepared to consider future rulemaking on health claims for additional substances when it becomes necessary to do so.

If needed, FSIS will publish another notice addressing any comments received on this notice.

Done at Washington, DC, on April 15, 1998.

**Thomas J. Billy,**

*Administrator.*

[FR Doc. 98-10601 Filed 4-21-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-50-AD]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 737-100, -200, -300, -400, and -500 series airplanes. This proposal would require installation of components for the suppression of electrical transients, and/or installation of components to provide shielding and separation to the fuel system wiring that is routed to the fuel tanks from adjacent wiring. The proposal also would require installation of flame arrestors and pressure relief valves in the fuel vent system. This proposal is prompted by testing results, obtained in support of an accident investigation, and by re-examination of possible causes of a similar accident. The actions specified by the proposed AD are intended to prevent possible ignition of fuel vapors in the fuel tanks, and external ignition of the fuel vapor exiting the fuel vent system and consequent propagation of a flame front into the fuel tanks.

**DATES:** Comments must be received by June 8, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-50-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.

**FOR FURTHER INFORMATION CONTACT:** Chris Hartonas, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, telephone (425) 227-2864; or Dorr Anderson, Aerospace Engineer, Propulsion Branch, ANM-140S, telephone (425) 227-2684; FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; fax (425) 227-1181.

#### 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 98-NM-50-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-114, Attention: Rules Docket No. 98-NM-50-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### **Discussion**

On July 17, 1996, a Boeing Model 747 series airplane was involved in an accident shortly after takeoff from John F. Kennedy International Airport in Jamaica, New York. In support of the subsequent accident investigation, the FAA participated in testing of the fuel quantity indication system (FQIS). Results of that testing revealed that higher than expected energy levels could be induced by high transient voltage levels in the electrical wiring and probes of the fuel system. These energy levels occurred when the wiring of the FQIS was subjected to electromagnetic interference (EMI) testing. EMI or electrical transients may be generated in the airplane when switching electrical loads in the wiring adjacent to the FQIS wiring.

As part of this testing, conductive debris, such as steel wool and lockwire, was used to bridge the FQIS probes to simulate debris that has been found in fuel tanks during inspections of transport category airplanes. Results of the tests indicated that higher than expected transient voltage levels in the FQIS wiring and probes could be induced, and the resulting energy levels in the FQIS wiring and probes could be

greater than the energy required to ignite fuel vapor inside a fuel tank.

In addition, recent inspections of the fuel probe wiring in Model 747 fuel tanks revealed damaged wiring insulation, which exposed the conductors inside the fuel tanks. This condition, together with the introduction of induced transients or short circuit conditions, may result in potential ignition sources in a fuel tank.

Although the testing and inspections evaluated FQIS wiring, the same conditions can be generated with other wiring that is routed to the fuel tanks. The conditions described above, if not corrected, could result in excessive levels of energy in fuel system wiring that is routed to the fuel tanks and a potential source of ignition in the fuel tanks.

The fuel system wire installation on Model 737-100, -200, -300, -400, and -500 series airplanes is similar to that on the Model 747 series airplane involved in the 1996 accident. Therefore, those Model 737-100, -200, -300, -400, and -500 series airplanes may be subject to the same unsafe condition revealed on the Model 747-100, -200, and -300 series airplanes.

The accident investigation has included a review of previous fuel tank explosions, including a Model 737-300 series airplane accident on May 11, 1990, in the Philippines. One possible scenario which may have caused the 1990 accident is an external ignition of the fuel vapor exiting the fuel vent system and consequent propagation of a flame front into the wingtip vent scoop and through the vent system into the center tank. The Model 737-300 vent system does not include flame arrestors and pressure relief valves and would allow a flame front to travel unimpeded into the vent system through the wingtip vent scoop. The conditions described above, if not corrected, could result in a potential source of ignition in a fuel tank.

The fuel vent system on Model 737-100, -200, -400, and -500 series airplanes is identical to that on the Model 737-300 series airplane. Therefore, those Model 737-100, -200, -400, and -500 series airplanes may be subject to the same unsafe condition revealed on the Model 737-300 series airplanes.

#### **FAA's Conclusions**

While none of the above conditions have been identified at this time as the cause of the accidents discussed previously, the FAA concludes that results of the tests and inspections that have been performed indicate that modifications are required to limit the

energy level induced in the fuel system wiring and FQIS probes. Furthermore, the FAA has determined that installation of components for the suppression of electrical transients, and/or installation of components to provide shielding and separation to the fuel system wiring that is routed to the fuel tanks from adjacent wiring is necessary to provide protection from wire-to-wire electrical short circuit conditions. Such conditions are a potential source of ignition in the fuel tanks. In addition, the FAA has determined that installation of flame arrestors and pressure relief valves in the fuel vent system is necessary to prevent a flame front from propagating through the fuel vent system and igniting vapors present in the fuel tanks.

#### **Explanation of Requirements of Proposed Rule**

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 installation of components for the suppression of electrical transients, and/or installation of components to provide shielding and separation of the fuel system wiring that is routed to the fuel tanks from adjacent wiring. The proposed AD also would require installation of flame arrestors and pressure relief valves in the fuel vent system. The actions would be required to be accomplished in accordance with a method approved by the FAA.

#### **Cost Impact**

There are approximately 2,781 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,140 airplanes of U.S. registry would be affected by this proposed AD.

Since the manufacturer has not yet developed a modification commensurate with the requirements of this proposal, the FAA is unable at this time to provide specific information as to the number of work hours or the cost of parts that would be required to accomplish the proposed modifications. A further problem in developing a specific cost estimate is the fact that proposed modification costs are expected to vary from operator to operator and from airplane to airplane depending upon airplane configuration. The proposed compliance time of 12 months should provide ample time for the development, approval, and installation of an appropriate modification.

However, based on similar modifications accomplished previously on other airplane models, the FAA can reasonably estimate that the proposed

modification to the fuel system wiring would require 40 work hours to accomplish, at an average labor rate of \$60 per work hour. The cost of required parts is estimated to be \$10,000 per airplane. Based on these figures, the cost impact of this proposed modification on U.S. operators is estimated to be \$14,136,000, or \$12,400 per airplane.

In addition, based on similar modifications accomplished previously on other airplane models, the FAA can reasonably estimate that the proposed modification to the fuel vent system would require 48 work hours to accomplish, at an average labor rate of \$60 per work hour. The cost of required parts is estimated to be \$20,400 per airplane. Based on these figures, the cost impact of this proposed modification on U.S. operators is estimated to be \$26,539,200, or \$23,280 per airplane.

As indicated earlier in this preamble, the FAA specifically invites the submission of comments and other data regarding the economic aspect of this proposal.

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

### Regulatory Impact

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 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

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

**Boeing:** Docket 98-NM-50-AD.

**Applicability:** All Model 737-100, -200, -300, -400, and -500 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 (c) 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 possible ignition of fuel vapors in the fuel tanks, and/or external ignition of the fuel vapor exiting the fuel vent system and subsequent propagation of a flame front into the fuel tanks, accomplish the following:

(a) Within 12 months after the effective date of this AD, install components for the suppression of electrical transients, and/or install components to provide shielding and separation to the fuel system wiring that is routed to the fuel tanks from adjacent wiring, in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(b) Within 12 months after the effective date of this AD, install flame arrestors and pressure relief valves in the fuel vent system, in accordance with a method approved by the Manager, Seattle ACO.

(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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add

comments and then send it to the Manager, Seattle ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(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.

Issued in Renton, Washington, on April 14, 1998.

**John J. Hickey,**

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

[FR Doc. 98-10590 Filed 4-21-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-CE-147-AD]

RIN 2120-AA64

### Airworthiness Directives; Industrie Aeronautiche e Meccaniche Model Piaggio P-180 Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This document withdraws a notice of proposed rulemaking (NPRM) that would have applied to certain Industrie Aeronautiche e Meccaniche (I.A.M.) Model Piaggio P-180 airplanes. The NPRM, if followed with a final rule, would have required installing a shield on the front section of the engine cradles. Airworthiness Directive (AD) 96-09-09 currently requires the same action as is proposed in this NPRM. The Federal Aviation Administration (FAA) inadvertently prepared and issued this NPRM. With this in mind, the FAA has determined that the proposed rule should be withdrawn. This withdrawal does not prevent the FAA from taking future rulemaking on this subject.

**FOR FURTHER INFORMATION CONTACT:** Mr. David O. Keenan, Project Officer, FAA, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6934; facsimile: (816) 426-2169.

### SUPPLEMENTARY INFORMATION:

#### Events Leading to This Action

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain I.A.M. Model Piaggio P-