FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to *Attn:* Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329–4119; fax: (816) 329–4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(h) Refer to MCAI EASA AD No.: 2010–0012, dated February 5, 2010; DAHER–SOCATA TBM Aircraft Service Bulletin SB 70–183, dated January 2010; and L'Hotellier Service Bulletin 863520–26–001, dated December 21, 2009, for related information.

Issued in Kansas City, Missouri, on March 15, 2010.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–6091 Filed 3–18–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1140

[Docket No. FDA–2010–N–0136]

RIN 0910–AG33

Request for Comment on Implementation of the Family Smoking Prevention and Tobacco Control Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing this advance notice of proposed rulemaking to obtain information related to the regulation of outdoor advertising of cigarettes and smokeless tobacco. Elsewhere in this issue of the **Federal Register**, FDA is reissuing a final rule restricting the sale, distribution, and use of cigarettes and smokeless tobacco to protect children and adolescents as required by the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act). FDA has reserved a section of that final rule for future rulemaking on restrictions related to the outdoor advertising of cigarettes and smokeless tobacco. FDA is requesting comments, data, research, or other information on the regulation of outdoor advertising of cigarettes and smokeless tobacco.

DATES: Submit electronic or written comments by May 18, 2010.

ADDRESSES: You may submit comments, identified by Docket No. FDA–2010–N–0136 and/or RIN number 0910–AG33, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

Written Submissions

Submit written submissions in the following ways:

- *FAX:* 301–827–6870.
- *Mail/Hand delivery/Courier (for paper, disk, or CD–ROM submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the agency name and docket number and Regulatory Information Number (RIN) for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov*, including any personal information provided. For additional information on submitting comments, see the "Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Annette Marthaler, Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850–3229, 1–877–287–1373, *annette.marthaler@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Elsewhere in this issue of the **Federal Register**, FDA is reissuing a 1996 final rule that restricts the sale, distribution, and use of cigarettes and smokeless tobacco. The reissuance of the final rule is required under section 102 of the Tobacco Control Act (Public Law 111–31). More specifically, section 102 requires FDA to publish a final rule regarding cigarettes and smokeless tobacco identical in its provisions to the regulation promulgated by FDA in 1996 (61 FR 44396, August 28, 1996) (1996 final rule), with certain specified exceptions. Section 102 provides that the reissued 1996 final rule shall "include such modifications to section 897.30(b), if any, that the Secretary determines are appropriate in light of governing First Amendment case law, including the decision of the Supreme Court of the United States in Lorillard Tobacco Co. v. Reilly (533 U.S. 525 (2001))."

As published in 1996, § 897.30(b) stated that "[n]o outdoor advertising for cigarettes or smokeless tobacco, including billboards, posters, or placards, may be placed within 1,000 feet of the perimeter of any public playground or playground area in a public park (e.g., a public park with equipment such as swings and seesaws, baseball diamonds, or basketball courts), elementary school, or secondary school." In *Lorillard* the Supreme Court struck down as violative of the First Amendment regulations promulgated by Massachusetts that, among other things, banned outdoor tobacco advertisements within 1,000 feet of any school or playground. The Supreme Court concluded that Massachusetts had a substantial state interest in protecting children and adolescents from the harms of tobacco use and that the outdoor advertising restriction advanced that interest. However, the Court ruled that the regulation violated the First Amendment because it was not adequately tailored to achieve the substantial state interest of protecting children and adolescents from tobacco products.

To best determine what modifications to § 897.30(b), if any, are appropriate in light of governing First Amendment case law, FDA has determined that § 897.30(b) (now renumbered as § 1140.30(b)) should be reserved in the

final rule published elsewhere in this issue of the **Federal Register** and that the agency should request the submission of any comments, data, research, or other information pertaining to potential outdoor advertising restrictions for tobacco products that may have developed since the 1996 issuance of § 897.30(b). This approach enables the agency to implement a regulatory approach to outdoor advertising that reflects careful consideration of the U.S. Supreme Court's decision in *Lorillard*, other provisions in the Tobacco Control Act, and other developments and information, such as the Master Settlement Agreement between the State Attorneys General and the tobacco industry, that have occurred since the original publication of the 1996 final rule. FDA intends to use the information submitted in response to this document, along with information in the existing record and other information developed since the publication of the 1996 final rule, to inform its regulation of outdoor advertising of cigarettes and smokeless tobacco.

For example, since the publication of the 1996 rule, the U.S. National Cancer Institute (NCI) published its 19th monograph in the Tobacco Control Monograph Series, *The Role of the Media in Promoting and Reducing Tobacco Use* (Monograph 19). Monograph 19 is a "comprehensive distillation of the scientific literature on media communications in tobacco promotion and tobacco control." In examining tobacco advertising, Monograph 19 stated that "tobacco advertising forms part of an integrated marketing communications strategy combining sponsorship, brand merchandising, brand stretching, packaging, point-of-sale promotions, and product placement." The major conclusions of Monograph 19 included the following: (1) Cigarettes are among the most heavily marketed products in the United States; (2) the targeting of various population groups, including youth and young adults, "has been strategically important to the tobacco industry"; and (3) the weight of the evidence demonstrates a causal relationship between tobacco advertising and promotion and increased tobacco use. With respect to marketing of tobacco to children and adolescents, Monograph 19 concluded, among other things, that: (1) Tobacco advertising targets the psychological needs of adolescents (e.g., popularity) and "adolescents who believe that smoking can satisfy their psychological needs, or whose desired image of themselves is similar to their image of smokers, are more likely to smoke cigarettes"; and (2) even brief exposure to tobacco advertising influences adolescents' intentions to smoke.

Monograph 19 stated that "cigarette advertising and promotion are heavy in volume and high in visibility at the point of sale, particularly in convenience stores." Monograph 19 also stated "[i]n 2001, a cross-section of 586 California retailers was found to have more than 17 tobacco point-of-purchase ads, on average, in or around the store * * * 11% had large exterior signs—in violation of the [Master Settlement Agreement]." In addition, Monograph 19 cited a study involving 3,000 students in grades 9 to 12 who smoked, which found "their cigarette brand preferences correlated with the brands most heavily advertised in the convenience stores within a one-mile radius of their schools."

Monograph 19 contained an extensive discussion of the colors and symbols associated with cigarette brands and found that colors and symbols can be used in ways that facilitate the circumvention of tobacco advertising restrictions. Monograph 19 found that the "brand image of most tobacco products represents the end result of a multifaceted marketing effort involving brand identity * * * and the use of color. The development, enhancement, and reinforcement of this brand imagery are primary objectives of tobacco promotion."

II. Restrictions Under Consideration

The agency is considering several options, including a regulation proposing to (1) Prohibit or otherwise limit billboards located within 1,000 feet of any elementary or secondary school (k-12) and (2) prohibit or otherwise limit large signs or collections of advertisements greater than 14 square feet at retail establishments located in close proximity to any elementary or secondary school (e.g., within 350 feet or approximately one city block). As required by *Lorillard* and the governing First Amendment case law, any proposed restrictions would be more narrowly tailored than § 897.30(b), as published in 1996. The agency is considering whether the restrictions under consideration in this advance notice of proposed rulemaking that would differentiate between large and small advertisements would appropriately tailor the rule. For example, we are considering tailoring the distance requirement by leaving the 1,000 foot restriction for the largest and most prominent advertisements (billboards) and narrowing the distance to 350 feet (approximately one city block) for smaller advertisements that are not as prominent. Under this approach, the restrictions would limit advertising near schools only, rather than schools and playgrounds.

III. Request for Comments and Information

FDA is seeking data, research, information, and comments on whether restrictions on outdoor advertising of tobacco products are necessary to protect children and adolescents from the harms caused by tobacco use and, if they are, whether the restrictions under consideration, or close variations would be justified, lawful, and appropriate. FDA is also seeking data, research, information, and comments on other restrictions on outdoor advertising that, either in addition to or instead of the specific restrictions under consideration, would advance the public health goal of protecting children and adolescents from the harms caused by tobacco use.

FDA is seeking data, research, information, and comments related to the following:

- Would restrictions advance the public health goal of protecting children and adolescents from the harms caused by tobacco use?
- If so, could this public health goal be achieved with narrower restrictions? For example,
  - by prohibiting billboards located at some distance less than 1,000 feet of an elementary or secondary school?
  - by prohibiting signs or collections of advertisements that are larger than some size greater than 14 square feet at retail establishments located within 350 feet of an elementary or secondary school?
  - by prohibiting signs or collections of advertisements greater than 14 square feet at retail establishments located within some distance less than within 350 feet of an elementary or secondary school?
- Or would a broader prohibition be necessary to achieve the public health goal? For example,
  - by prohibiting other outdoor advertisements in addition to those described in section II of this document?
  - by prohibiting smaller notices on store windows?
  - by prohibiting advertisements, not only near schools, but also near playgrounds (and, if so, how should "playgrounds" be defined)?
- Should FDA consider requiring stores that sell tobacco products to post graphic anti-tobacco messages in order to counter the effects of advertisements on children?

FDA is also seeking data, research, information, and comments—not limited to the specific restrictions under consideration—related to the following:

- The impact and/or effect(s) of outdoor advertising restrictions on youth smoking behavior;
- The increased or decreased likelihood that persons exposed to outdoor advertising will start using tobacco products;
- The increased or decreased likelihood that persons exposed to outdoor advertising will continue to use tobacco products or will be less likely to stop using tobacco products;
- The impact of outdoor advertising restrictions based upon distance from schools in major metropolitan areas;
- The impact of outdoor advertising restrictions based upon distance from schools in rural, suburban, and urban areas and how the impact may differ in such areas;
- The impact of outdoor advertising restrictions based upon the size, type, or other characteristic of the advertisement;
- The impact of warnings included in promotional materials, including outdoor advertising;
- The impact of outdoor advertising restrictions on tobacco manufacturers or other sellers' ability to communicate with adult smokers;
- Restrictions on outdoor advertising that, either in addition to or instead of the specific restrictions under consideration, would advance the public health goal of protecting children and adolescents from the harms caused by tobacco use.

IV. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 11, 2010.

Margaret A. Hamburg,

Commissioner of Food and Drugs.

Dated: March 11, 2010.

Kathleen Sebelius,

Secretary of Health and Human Services.

[FR Doc. 2010–6086 Filed 3–18–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 1000

[Docket No. FR–5275–N–06]

Native American Housing Assistance and Self-Determination Reauthorization Act of 2008: Negotiated Rulemaking Committee Meeting

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of negotiated rulemaking committee meeting.

SUMMARY: This document announces a meeting of the negotiated rulemaking committee that was established pursuant to the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008. The primary purpose of the committee is to discuss and negotiate a proposed rule that would change the regulations for the Indian Housing Block Grant (IHBG) program and the Title VI Loan Guarantee program.

DATES: The committee meeting will be held on Tuesday, March 30, 2010, Wednesday, March 31, and Thursday, April 1, 2010. On all three days the meeting will begin at 8 am and is scheduled to end at 5 pm.

ADDRESSES: The meeting will take place at the Doubletree Paradise Valley Resort, 5401 North Scottsdale Road, Scottsdale, Arizona 85250; telephone number 480–946–1524 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Rodger J. Boyd, Deputy Assistant Secretary for Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4126, Washington, DC 20410; telephone number 202–401–7914 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

The Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 (Pub. L. 110–411, approved October 14, 2008) (NAHASDA Reauthorization) reauthorizes The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.*) (NAHASDA) through September 30, 2013, and makes a number of amendments to the statutory requirements governing the Indian Housing Block Grant Program (IHBG) and Title VI Loan Guarantee programs. For more information on the IHBG and Title VI of NAHASDA, please see the background section of the Notice of Negotiated Rulemaking Committee Meeting published on February 22, 2010 at (75 FR 7579). The NAHASDA Reauthorization amends section 106 of NAHASDA to provide that HUD shall initiate a negotiated rulemaking in order to implement aspects of the 2008 Reauthorization Act that require rulemaking. On January 5, 2010 (75 FR 423), HUD published a **Federal Register** notice announcing the final list of members of the negotiated rulemaking committee (the Native American Housing Assistance & Self-Determination Negotiated Rulemaking Committee). On February 22, 2010 (75 FR 7559), HUD published a **Federal Register** notice announcing the first meeting of the negotiated rulemaking committee.

II. Negotiated Rulemaking Committee Meeting

This document announces the second meeting of the Native American Housing Assistance & Self-Determination Negotiated Rulemaking Committee. The committee meeting will take place as described in the **DATES** and **ADDRESSES** sections of this document. The agenda planned for the meeting includes the discussion of protocols and the scope of the rulemaking process, as well as setting of future meetings. The meeting will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may be allowed to make statements during the meeting, to the extent time permits, and to file written statements with the committee for its consideration. Written statements should be submitted to the address listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

Dated: March 12, 2010.

Sandra B. Henriquez,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 2010–6003 Filed 3–18–10; 8:45 am]

BILLING CODE 4210–67–P