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Darrell M. Pederson,

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

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14 CFR Part 39

[Docket No. 95-NM-231-AD; Amendment 39-9681; AD 96-13-12]

RIN 2120-AA64

Airworthiness Directives; Dornier Model 328-100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328-100 series airplanes, that requires replacement of a bus power control unit (BPCU) and two generator control units (GCU) with new improved units. This amendment is prompted by results of the manufacturer's re-certification and laboratory testing of a BPCU, which revealed abnormal functions of the BPCU and the GCU. The actions specified by this AD are intended to prevent such abnormal functions, which could result in electrical short circuits in the electrical power distribution systems and a subsequent fire.

DATES: Effective August 2, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 2, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. **FOR FURTHER INFORMATION CONTACT:** Gary Lium, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1112; fax (206) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328-100 series airplanes was

published in the Federal Register on April 4, 1996 (61 FR 15000). That action proposed to require replacement of the generator control units (GCU's) 2PC and 12PC with new improved units having part number 118-000-1. The AD also will require replacement of the bus power control unit (BPCU) 20PC with a new improved unit having part number 106-000-3.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 12 Dornier Model 328-100 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. The manufacturer will provide required parts at no cost to the operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$720, or \$60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the 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 adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

96-13-12 Dornier: Amendment 39-9681.
Docket 95-NM-231-AD.

Applicability: Model 328-100 series airplanes having serial numbers 3005 through 3024 inclusive, 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 (b) 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 abnormal functions of the bus power control units and the generator control units, which could result in electrical short circuits in the electrical power distribution systems and a subsequent fire, accomplish the following:

(a) Within 3 months after the effective date of this AD, perform the requirements of paragraph (a)(1) and (a)(2) of this AD, in accordance with Dornier Service Bulletin SB-328-24-061, Revision 1, dated November 3, 1994.

(1) Remove the generator control units 2PC and 12PC and replace them with new improved units having part number 118-000-1. And,

(2) Remove bus power control unit 20PC and replace it with a new improved unit having part number 106-000-3.

(b) 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, Standardization Branch, ANM-113, 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, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) 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.

(d) The removals and replacements shall be done in accordance with Dornier Service Bulletin SB-328-24-061, Revision 1, dated November 3, 1994, which contains the following effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 3	1	Nov. 3, 1994.
2	Original	Oct. 14, 1994.

This incorporation by reference is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 8, 1996.

Issued in Renton, Washington, on June 19, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-16245 Filed 6-27-96; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission ("Commission") issues final amendments to the Appliance Labeling Rule ("the Rule") to permit the placement of energy use labels required by the Canadian and Mexican governments in a location "directly adjoining" the Rule's required "EnergyGuide" label. Previously the Rule prohibited the affixation of non-required information "on or directly adjoining" the EnergyGuide. The relaxation of this prohibition will further the goal of the North American Free Trade Agreement ("NAFTA") to make compatible the standards-related measures of the signatories to facilitate trade in a good or service among the parties. Moreover, the amendment will result in considerable savings for the appliance manufacturing industry.

EFFECTIVE DATE: June 28, 1996.

FOR FURTHER INFORMATION CONTACT: James G. Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580 (202-326-3035).

SUPPLEMENTARY INFORMATION:

I. Background

A. The Request by Whirlpool

In July, 1995, the Whirlpool Corporation ("Whirlpool") requested permission to use hang tag EnergyGuide labels that have the corresponding Canadian "EnerGuide" appliance energy use label printed on the reverse side, and/or permission to use a single stick-on or hang tag label consisting of the Commission's EnergyGuide immediately next to (or above) the appropriately corresponding Canadian EnerGuide. Whirlpool also asked for permission to label in the same manner using the appliance energy use label required by Mexico, or using all three labels.

In support of its request, Whirlpool stated that the continued existence of separate appliance labeling requirements among the United States, Canada, and Mexico represents an obstacle to free trade among the signatories to NAFTA. Whirlpool contended that the ability to print the labels required by the three countries next to each other on a single piece of label stock would mitigate the impact of that obstacle. Whirlpool also stated that using such labels would save Whirlpool significant resources—by reducing the number of separate U.S. and Canadian models of appliances that Whirlpool produces and by reducing labeling expenses.

B. Applicable Sections of the Appliance Labeling Rule

Section 305.11(a)(5)(i)(K) of the Rule, 16 CFR 305.11(a)(5)(i)(K), states that: No marks or information other than that specified in this Part shall appear on or *directly adjoining* [the EnergyGuide] label except for a part or publication number identification, as desired by the manufacturer. * * * [emphasis added]

The language in this section pertains to labels for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, and room air conditioners. Identical language appears in two other sections relating to labels for furnaces and pool heaters (16 CFR 305.11(a)(5)(ii)(I)) and central air conditioners (16 CFR 305.11(a)(5)(iii)(H)(1)). The purpose of this prohibition was to avoid having other information detract from the Energy Guide label.

C. The Notice of Proposed Rulemaking

The Commission agreed that permitting manufacturers to use side-by-side or back-to-back labeling that included the energy use labels of the three NAFTA signatories could further the goals of NAFTA and could reduce the cost of compliance with the Rule. The Commission, therefore, on February 22, 1996, issued a Notice of Proposed Rulemaking ("NPR") proposing amendments to the above-referenced sections of the Rule.¹

In the NPR, the Commission addressed whether permitting this type of labeling would result in consumer confusion. The Commission reasoned that, because the EnergyGuide is the only one of the three labels that is exclusively in English, and because there are two disclosures on it stating that the information is derived from U.S. government tests and utility costs, U.S. consumers may realize that only one label is pertinent to them. Further, the United States and Canada, and, to a slightly lesser extent, Mexico, use compatible test procedures for identifying energy use, and require information to be reported in terms of kilowatt-hour use per year. Thus, the Commission concluded preliminarily that the similarity of the information being disclosed on each country's label may make the possibility of confusion less likely. Moreover, U.S. consumers are already seeing Canadian labels on some appliances (especially in the northern states), and possibly Mexican labels, although not directly adjoining the EnergyGuide. Finally, the Commission pointed out that, on many

¹ 61 FR 6801.