

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 a new airworthiness directive to read as follows:

MD Helicopters Inc. (MDHI): Docket No. 98–SW–80–AD.

Applicability: Model 369D, 369E, 369FF, 500N, and 600N helicopters, with oil cooler blower bracket (bracket), part number (P/N) 369F5190–1, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters 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 within 100 hours time-in-service, unless accomplished previously.

To prevent failure of a bracket, loss of cooling of engine oil and transmission oil, and a subsequent forced landing, accomplish the following:

(a) Remove the bracket, P/N 369F5190–1, and replace it with an airworthy bracket, P/N 369F5194–1.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

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

Issued in Fort Worth, Texas, on June 17, 1999.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99–15932 Filed 6–22–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 876; Ref: Notice Nos. 861 and 867]

RIN 1512–AB70

Net Contents Statement on Wine Labels (95R–054P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing this notice of withdrawal to inform interested persons that we are not pursuing rulemaking regarding the net contents statement on wine labels as proposed in Notice No. 861. The majority of commenters believe that allowing the net contents to be expressed in centiliters as an alternative to milliliters is misleading and would result in consumer confusion.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8230).

SUPPLEMENTARY INFORMATION:

Background

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27

U.S.C. 205(e), vests broad authority in the Director of ATF, as the delegate of the Secretary of the Treasury, to prescribe regulations intended to prevent deception of the consumer and to provide the consumer with adequate information as to, among other things, the net contents of the product. Regulations which implement the provisions of section 105(e), as they relate to wine, are set forth in title 27, Code of Federal Regulations (CFR), part 4. Section 4.32(b) provides, in part, that a statement of net contents must appear on the label of all containers of wine in accordance with section 4.37. Section 4.37 provides that the net contents of wine for which a metric standard of fill is prescribed must be stated on the label in the same manner and form as set forth in the standard of fill. The authorized metric standards of fill for American and imported wine, for sale in interstate commerce within the United States, are set forth in section 4.73 as follows:

3 liters
1.5 liters
1 liter
750 milliliters
500 milliliters
375 milliliters
187 milliliters
100 milliliters
50 milliliters

As provided in section 4.37(a), the net contents of wine for which no standard of fill is prescribed, e.g., sake, must be stated in liters and in decimal portions of a liter for quantities larger than one liter, and in milliliters for quantities of less than one liter.

Pursuant to section 4.32(b)(2), if the net contents of the wine is an authorized standard of fill, e.g., 750 milliliters, the net contents statement may appear on any label affixed to the container. If the net contents is a standard of fill other than an authorized standard of fill, e.g., 720 milliliters, the net contents statement must appear on a label affixed to the front of the container. Since the regulations show “ml” as an abbreviation for milliliter (section 4.37(a)(2)), that abbreviation may be used in lieu of milliliter, where required.

Finally, section 4.37 provides that the net contents need not be stated on the label if it is legibly blown, etched, sandblasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director on the side, front, or back of the container in an unobscured location.

Notice No. 861

On May 15, 1998, we published a notice in the **Federal Register** soliciting

comments from the public and industry on a proposal to amend the regulations to provide that the net contents statement for wine in containers of less than 1 liter may be expressed on the label in centiliters (cl) as an alternative to milliliters (ml) (Notice No. 861, 63 FR 27017). The proposal was based on a petition we received from Banfi Vintners (Banfi) of Old Brookville, New York. Banfi had asked that the regulations be amended to provide that the net contents for wine bottled in a 750 milliliter (750 ml) standard of fill be expressed in centiliters, as "75 cl," as an alternative to "750 ml." The petitioner stated that 75 centiliters is a universally recognized measurement equivalent to 750 milliliters in the metric system. Furthermore, authorizing this alternative net contents statement on wine labels "would simplify current regulations and allow for an easier flow of wines among Europe, the world markets and the United States."

The comment period for Notice No. 861, initially scheduled to close on August 13, 1998, was subsequently extended until October 19, 1998 (Notice No. 867, September 18, 1998; 63 FR 49883).

Analysis of Comments

We received 95 comments in response to Notice No. 861. Comments were submitted by consumers, industry members (representing domestic and foreign interests), various organizations and trade associations (e.g., the National Conference on Weights and Measures, the U.S. Metric Association, Inc., the Wine Institute, the National Association of Beverage Importers, and the Scotch Whisky Association), and one Federal agency (U.S. Department of Commerce—National Institute of Standards and Technology).

Of the 93 comments that addressed the proposed regulations, 82 objected to allowing the net contents for wine to be expressed in centiliters as an alternative to milliliters. The commenters contend that the American consumer is not yet fully oriented to the metric system and that the proposed regulations, if adopted, would result in consumer confusion. Furthermore, the current regulations provide consumers with one standard of common measurement for wine bottled in containers of less than 1 liter, i.e., milliliters. The commenters believe that having the net contents expressed in milliliters and centiliters on bottles of the same size may lead consumers to assume the containers do not hold the same amount of wine.

Other commenters expressed similar concerns with the proposed regulations. One commenter, the National

Conference on Weights and Measures (NCWM), is a standards-development organization whose members include representatives from Federal, State, and local weights and measures and other government agencies; businesses, trade and professional organizations; consumer and other interested groups. The NCWM stated the following:

The proposed changes are in direct conflict with the metric provisions of the 'Uniform Packaging and Labeling Regulation' adopted by the NCWM in 1993, the metric regulations adopted by the Federal Trade Commission (1994), and metric labeling regulations proposed by the Food and Drug Administration for foods, drugs and cosmetics (1993). * * * The labeling requirements for packaged goods adopted by the NCWM, other Federal Agencies, and OIML limit quantity declarations on consumer products to either milliliters or liters to reduce the possibility of consumer confusion. The Committee urges ATF to withdraw its proposal to permit centiliters because its adoption would result in a proliferation of net quantity declarations that may mislead consumers * * *

The NCWM explained that the OIML (Organization for Legal Metrology) is a worldwide, intergovernmental organization whose primary aim is to harmonize the regulations and metrological controls applied by its Member States, including the United States, Canada, and the European Union.

Other commenters shared the views of the NCWM, including the National Institute of Standards and Technology, a Federal agency within the Department of Commerce, and the U.S. Metric Association, Inc. The U.S. Metric Association was established in 1916 for the purpose of assisting the U.S. in adopting the metric system and providing guidance for metric system usage to industry, business, education, and consumers.

Eleven commenters supported the proposed regulations. One commenter, a national trade association representing importers of alcohol beverages, stated that "differences between labeling rules of U.S. and Europe can cause unnecessary expense to an importer without providing the consumer any added protection or information." This commenter also argued that the proposed regulations would provide producers with flexibility in labeling their products. In addition, the commenter believed that the proposed regulations should apply to distilled spirits. Other commenters in favor of the proposal expressed similar concerns.

Decision

After careful consideration of the comments received, we have

determined that an amendment of the regulations is not justified or warranted. In Notice No. 861 we stated that the metric standards of fill were first prescribed on December 31, 1974, pursuant to T.D. ATF-12, and became mandatory on January 1, 1979. In order to standardize the manner by which metric net contents were to be stated on the label and to avoid confusion among consumers, the final rule required metric net contents to be expressed in liters and decimal portions thereof for quantities larger than one liter and in milliliters for quantities less than one liter. Thus, as one commenter pointed out in the comments received in response to Notice No. 861, for more than 20 years the regulations have provided consumers "with the advantage of one simple standard of common measurement (milliliters) for wines in quantities less than one liter. The proposed regulation would remove that advantage. Seeing different units of measurement (ml and cl) on wine bottles of the same size may lead the consumer to assume that there is some difference in the contents of these bottles, * * *."

In addition, as discussed in Notice No. 861, our decision to express the net contents in milliliters for wine in containers of less than one liter was based, in part, on testimony presented at the hearing which preceded T.D. ATF-12. In particular, the American National Metric Council recommended milliliter (ml) as the only submultiple of liter and emphasized that "[t]he important thing is to avoid the confusion of an excessive variety of submultiples, which may cause errors in communication. These other submultiples, * * * would be a deciliter—dl, a centiliter—cl." This concern is still valid more than 20 years later. As the NCWM stated in their comment:

When the NCWM developed its metric labeling regulations it was the consensus of the organization and FTC and FDA that metric prefixes such as centi, deka, deci, hecto and others were inappropriate for use on consumer packages.

It is clear from the comments received in response to Notice No. 861 that American consumers are not yet completely familiar with all units in the metric system. Based on the information contained in the comments, we believe that the proposed regulations, if adopted, would not be of any value to consumers and would result in confusion. Furthermore, we did not receive any comments from consumers in support of the regulations. We did, however, receive comments from

consumers expressing their objections to the proposed regulations.

Accordingly, for the reasons stated above, we are withdrawing Notice No. 861.

Drafting Information

The author of this document is James P. Ficareta, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

This document is issued under the authority in 27 U.S.C. 205.

Signed: April 29, 1999.

John W. Magaw,
Director.

Approved: June 4, 1999.

Dennis M. O'Connell,
Acting Deputy Assistant Secretary
(Regulatory, Tariff and Trade Enforcement).
[FR Doc. 99-15944 Filed 6-22-99; 8:45 am]
BILLING CODE 4810-31-P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 178 and 179

[Notice No. 877]

RIN 1512-AB84

Identification Markings Placed on Firearms (98R-341P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to amend the regulations to prescribe minimum height and depth requirements for identification markings placed on firearms by licensed importers and licensed manufacturers. Specifically, we are proposing a minimum height of $\frac{3}{32}$ inch and a minimum depth of .005 inch for serial numbers and a minimum depth of .005 inch for all other required markings. We believe that such minimum standards are necessary to ensure that firearms are properly identified in accordance with the law. In addition, the proposed regulations, if adopted, will facilitate our ability to trace the origin of firearms used in crime.

DATES: Written comments must be received on or before September 21, 1999.

ADDRESSES: Send written comments to: Chief, Regulations Division; Bureau of Alcohol, Tobacco and Firearms; PO Box

50221; Washington, DC 20091-0221; ATTN: Notice No. 877.

FOR FURTHER INFORMATION CONTACT:

James P. Ficareta, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-927-8230).

SUPPLEMENTARY INFORMATION:

Background

Section 923(i) of the Gun Control Act of 1968 (GCA), as amended (18 U.S.C. Chapter 44), requires licensed importers and licensed manufacturers to identify, by means of a serial number, each firearm imported or manufactured. The serial number must be engraved, cast, or stamped on the receiver or frame of the weapon in such manner as the Secretary of the Treasury prescribes by regulation. With respect to certain firearms subject to the National Firearms Act (e.g., machine guns), 26 U.S.C. 5842 requires each manufacturer and importer and anyone making a firearm to identify each firearm by a serial number. The serial number may not be readily removed, obliterated, or altered. Section 5842 also requires the firearm to be identified by the name of the manufacturer, importer, or maker, and such other identification as the Secretary may prescribe by regulation.

Regulations that implement section 923(i) are set forth in 27 CFR 178.92. In general, this section requires each licensed manufacturer or licensed importer of firearms to legibly identify each firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing on the frame or receiver an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed.

Section 178.92 also requires licensed importers and manufacturers to conspicuously place the following identification markings on the frame, receiver, or barrel of each firearm imported or manufactured in a manner not susceptible of being readily obliterated, altered, or removed:

1. The model, if such designation has been made;
2. The caliber or gauge;
3. The name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer;
4. In the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) where the licensed manufacturer maintains its place of business; and
5. In the case of an imported firearm, the name of the country in which

manufactured and the city and State (or recognized abbreviation thereof) where the importer maintains its place of business.

The same marking requirements appear in regulations issued under the National Firearms Act at 27 CFR 179.102.

In the case of any semiautomatic assault weapon manufactured after September 13, 1994, the regulations also require that the frame or receiver be marked "RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY" or, in the case of weapons manufactured for export, "FOR EXPORT ONLY" (27 CFR 178.92(a)(2)).

Discussion

The GCA requires Federal firearms licensees to maintain records of their acquisitions and dispositions of firearms, including complete and accurate descriptions of the firearms. One of the principal objectives of the GCA is to facilitate the tracing of firearms used in crime "to provide support to Federal, State, and local law enforcement officials in their fight against crime and violence * * *." Gun Control Act of 1968, section 101, 82 Stat. 1213. To accomplish this objective, § 178.92 requires that each manufacturer or importer utilize an individual serial number for each firearm manufactured or imported and prohibits the duplication of any serial number placed by the manufacturer or importer on any other firearm. Furthermore, section 922(k) of the GCA makes it unlawful for any person to transport, ship, possess, or receive, in interstate or foreign commerce, any firearm that has had the importer's or manufacturer's serial number removed, obliterated, or altered.

The serial number, along with other required markings such as caliber, model, name of manufacturer, and city and State of the manufacturer or importer make any given firearm uniquely identifiable and traceable. Thus, firearms tracing is an integral part of any investigation involving the criminal use of firearms. The systematic tracking of firearms from the manufacturer or U.S. importer to the first retail purchaser enables law enforcement agencies to identify suspects involved in criminal violations, determine if the firearm is stolen, and provide other information relevant to an investigation. Our National Tracing Center (NTC) maintains the capability to trace the origin of recovered firearms used in crimes. Over the years, the NTC has experienced a substantial increase in the number of requests received for crime gun traces by Federal, State, and local law enforcement agencies. The total