

## 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 copy of the final 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, 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 a new airworthiness directive (AD) to read as follows:

#### 99-03-01 Schempp-Hirth K.G.:

Amendment 39-11013; Docket No. 98-CE-52-AD.

**Applicability:** The following sailplane models and serial numbers, certificated in any category:

Models	Serial Nos.
Standard Cirrus .....	573, 586, 593, 595, 597 through 599, 601 through 701.
Nimbus-2 .....	86, 93, and 96 through 116, 118 through 129, 131, and 176.

Models	Serial Nos.
JANUS .....	1 through 55, and 59.
Mini-Nimbus HS-7	1 through 60, and 65.

**Note 1:** Both Schempp-Hirth Technical Note No. 278-36, 286-33, 295-26, 328-11, 798-3, dated November 11, 1994, and German AD 95-015, dated December 15, 1994, apply to the Model Nimbus-2M sailplanes. This sailplane model is not type certificated for operation in the United States, and therefore is not covered by the applicability of this AD. The Model Nimbus-2M sailplanes could be operating in the United States with an experimental certificate. The FAA recommends that any person operating a Model Nimbus-2M sailplane in the United States with an experimental certificate accomplish the actions specified in the technical note.

**Note 2:** This AD applies to each sailplane 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 sailplanes 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 within the next 6 calendar months after the effective date of this AD, unless already accomplished.

To prevent the locking hook on the tailplane attachment bracket from disengaging, which could result in the horizontal tailplane coming loose from the fin with possible loss of longitudinal control of the sailplane, accomplish the following:

(a) Install a safety device for the tailplane locking hook in accordance with Schempp-Hirth Appendix to Technical Note No. 278-36, 286-33, 295-26, 328-11, 798-3, dated November 11, 1994.

(b) 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 sailplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(d) Questions or technical information related to the service information referenced

in this document should be directed to Schempp-Hirth Flugzeugbau GmbH, Postbox 14 43, D-73222 Kirchheim unter Teck, Federal Republic of Germany. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(e) The installation required by this AD shall be done in accordance with Schempp-Hirth Appendix to Technical Note No. 278-36, 286-33, 295-26, 328-11, 798-3, dated November 11, 1994. This incorporation by reference was 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 Schempp-Hirth Flugzeugbau GmbH, Postbox 14 43, D-73222 Kirchheim unter Teck, Federal Republic of Germany. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

**Note 4:** The subject of this AD is addressed in German AD 95-015, dated December 15, 1994.

(f) This amendment becomes effective on March 12, 1999.

Issued in Kansas City, Missouri, on January 19, 1999.

**Michael Gallagher,**

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-1827 Filed 1-27-99; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

[Docket No. 99-NM-10-AD; Amendment 39-11014; AD 99-03-02]

RIN 2120-AA64

## Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to all McDonnell Douglas Model MD-11 series airplanes. This action requires a one-time inspection to detect discrepancies of certain wiring and insulation in the cockpit and cabin, and repair, if necessary. This amendment is prompted by test results obtained in support of an accident investigation. The actions specified in this AD are intended to prevent electrical arcing of certain wiring, which could cause a fire and/or smoke in the cockpit or cabin.

**DATES:** Effective February 12, 1999.

Comments for inclusion in the Rules Docket must be received on or before March 29, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-10-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The information concerning this amendment may be obtained from or examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

**FOR FURTHER INFORMATION CONTACT:** Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** On September 2, 1998, a McDonnell Douglas Model MD-11 series airplane was involved in an accident following takeoff from John F. Kennedy International Airport in Jamaica, New York. The cause of the accident has not been determined.

In support of the subsequent accident investigation, examinations were conducted on several Model MD-11 series airplanes; the examinations focused on the area from the cockpit to station 515 (near the forward doors of the airplane in the forward drop ceiling area). The FAA recently has been informed of the results of these examinations, which revealed chafed, cracked, broken, and cut electrical and bonding wires in several of these areas. These conditions, if not corrected, could result in electrical arcing of wiring and consequent fire and/or smoke in the cockpit or cabin.

#### **Explanation of the Requirements of the Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent electrical arcing of wiring, which could cause a fire and/or smoke in the cockpit or cabin. This AD requires accomplishment of a one-time visual inspection to detect discrepancies (including loose wire connections, loose ground wires, broken bonding wires, small wire bending radii, cracked

support brackets, and chafed and cracked wire insulation) of the wiring and insulation in the cockpit and overhead drop ceiling panel areas at stations Y=304 through Y=516 and X=-27 left side through X=27 right side above the floor. The inspection is required to be performed in accordance with a method approved by the FAA.

This AD also requires repair of any discrepancy in accordance with Chapter 20, Standard Wiring Practices of the MD-11 Wiring Diagram Manual, dated October 1, 1998.

Further, this AD requires that operators report results of inspection findings (both positive and negative) to the FAA.

#### **Interim Action**

This is considered to be interim action. The inspection reports that are required by this AD will enable the manufacturer to obtain better insight into the nature, cause, and extent of the discrepant wiring, and eventually to develop final action to address the unsafe condition. Once final action has been identified, the FAA may consider further rulemaking.

#### **Determination of Rule's Effective Date**

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### **Comments Invited**

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to

modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99-NM-10-AD." The postcard will be date stamped and returned to the commenter.

#### **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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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, 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:

**99-03-02 McDonnell Douglas:** Amendment 39-11014. Docket 99-NM-10-AD.

**Applicability:** All Model MD-11 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 (d) 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 electrical arcing of certain wiring, which could cause a fire and/or smoke in the cockpit or cabin, accomplish the following:

(a) Within 60 days after the effective date of this AD: Perform the one-time visual inspections required by paragraphs (a)(1), (a)(2), and (a)(3) of this AD to detect discrepancies (including loose wire connections, loose ground wires, broken bonding wires, small wire bending radii, cracked support brackets, and chafed and cracked wire insulation); in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(1) Inspect all cabin wiring and insulation, including the wire harness protective wrap if applicable, on and above the forward cabin drop ceiling, from the cockpit bulkhead (at approximately station 392) to the aft edge of the forward drop ceiling (at approximately station 516). And

(2) Inspect all cockpit wiring and insulation, including the wire harness protective wrap if applicable, within the overhead switch panel and overhead circuit breaker panel (at approximately stations 304 through 360). And

(3) Inspect all cockpit wiring and insulation, including the wire harness protective wrap if applicable, in the following areas:

- Aft of the overhead circuit breaker panel (at approximately station 360);
- Forward of the cockpit entry bulkhead (at approximately station 392);
- 16 inches left of centerline (at approximately station X = -16); and
- Above the top edge of the right clear-view window, including wiring within and outboard of the upper and lower avionics circuit breaker panels.

**Note 2:** Inspection of wiring within conduits is not required by this AD.

**Note 3:** Insulation blankets (which hide wiring that is generally routed through conduits) and wire harness protective wrap (including gray sleeving, spiral wrap, and centerline tape) are not required to be removed during the inspection.

(b) If any discrepancy is detected during any inspection required by paragraph (a) of this AD, prior to further flight, repair in accordance with Chapter 20, Standard Wiring Practices of the MD-11 Wiring Diagram Manual, dated October 1, 1998.

(c) Within 10 days after accomplishing the inspections required by paragraph (a) of this AD, submit a report of the inspection results (both positive and negative findings) to the Manager, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712-4137; fax (562) 627-5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(d) 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, Los Angeles ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(e) 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.

(f) This amendment becomes effective on February 12, 1999.

Issued in Renton, Washington, on January 21, 1999.

**John J. Hickey,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 99-1976 Filed 1-27-99; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 564

[Docket No. 95N-0313]

#### Standards for Animal Food and Food Additives in Standardized Animal Food

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending its

regulations to remove its animal food standards regulations. The action is in response to the administration's "Reinventing Government" initiative, which seeks to streamline government to ease the burden on regulated industry and consumers, and it is intended to remove unnecessary regulations.

**DATES:** This final rule becomes effective on March 1, 1999.

**FOR FURTHER INFORMATION CONTACT:** George Graber, Center for Veterinary Medicine (HFV-220), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-6651, E-mail: ggraber@bangate.fda.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In the **Federal Register** of November 25, 1996 (61 FR 59845), FDA published a proposed rule that would remove part 564 (21 CFR part 564), Definitions and Standards for Animal Food, of subchapter E, Animal Drugs, Feeds, and Related Products. Subpart A of part 564 contains procedural regulations for establishing standards for animal food, and subpart B contains regulations applicable to food additives included in standardized animal foods.

FDA continues to believe, as stated in the preamble to the proposed rule, that because neither FDA nor the private sector has ever used the procedures in part 564 to develop a regulatory standard, part 564 is unnecessary. Further, should FDA ever receive a request to develop an animal food standard regulation, the agency could determine whether procedural regulations are necessary and issue such procedures through the notice and comment rulemaking process as the standard was being developed.

##### II. Response to Comments

Forty-two comments were received on the proposed rule. Four comments were from organizations and the remainder from individuals. The majority of comments appear to have been prompted by an "Action Alert" (Alert) issued by one organization that states that there is no Federal regulation of animal food. The Alert states that enforcement is inconsistent and that standards for animal nutrition are inadequate.

1. Thirteen comments were identical form letters that repeat virtually the same language contained in the Alert, but concluding with the statement "Apparently, there is no interest by your department, the FDA, in developing a regulatory standard for animal and food