

## Regulatory Impact

### *Would This Proposed AD Impact Various Entities?*

The regulations proposed herein would not have a substantial direct effect 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, it is determined that this proposed rule would not have federalism implications under Executive Order 13132.

### *Would This Proposed AD Involve a Significant Rule or Regulatory Action?*

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) 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 has been placed 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, under 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. FAA amends § 39.13 by adding a new airworthiness directive (AD) to read as follows:

**Air Tractor, Inc.:** Docket No. 2000-CE-76-AD.

(a) *What airplanes are affected by this AD?* This AD affects Model AT-802 and AT-802A airplanes, serial numbers 802-0001 through 802-0081, that are certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the airplanes identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent wear of the rudder control cables at the fairlead, which could cause the rudder control cable to break and result in loss of rudder control.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Replace the rudder control cables and fairlead with part numbers 70524-10-500 or 70524-6-500, and 70122-1, as specified in the service letter.	Within the next 500 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.	Accomplish the replacements in accordance with Snow Engineering Company Service Letter # 199, dated May 30, 2000, and applicable drawing number 70523 of the replacement kit, as specified in the service letter.
(2) Do not install any rudder control cable that does not have a stainless steel sleeve crimped to the cable in the fairlead area.	Not Applicable .....	Not Applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

- (1) Your alternative method of compliance provides an equivalent level of safety; and
- (2) The Manager, Fort Worth Airplane Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

**Note:** This AD applies to each airplane identified in paragraph (a) of this AD, 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 (e) 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Garry D. Sills, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, 2601 Meacham

Boulevard, Fort Worth, Texas 76193-0150; telephone: (817) 222-5154; facsimile: (817) 222-5960.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may get copies of the documents referenced in this AD from Air Tractor, Incorporated, P.O. Box 485, Olney, Texas 76374. You may view these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 12, 2002.

**Dorenda D. Baker,**

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

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**BILLING CODE 4910-13-P**

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Chapter II

### Regulatory Options for Addressing Upholstered Furniture Flammability; Public Meeting

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of public meeting and request for comments.

**SUMMARY:** The Consumer Product Safety Commission (CPSC or Commission) will conduct a public meeting June 18-19, 2002 to discuss options for addressing upholstered furniture flammability. The meeting is not a Commission hearing. The focus of the discussions will be the supporting information and draft upholstered furniture flammability standard developed by CPSC staff included in the October 30, 2001 briefing package entitled "Upholstered Furniture Flammability: Regulatory Options," the progress of outside groups in addressing the same problem, and recent developments in related

flammability issues.<sup>1</sup> The Commission invites written comments and oral presentations from individuals, associations, firms, and government agencies with information or comments related to the briefing package. The Commission will evaluate these submissions in its deliberations on the flammability hazards associated with upholstered furniture.

**DATES:** The meeting will begin at 10:00 a.m. on June 18, 2002, and continue on June 19, 2002. Requests to make oral presentations, and 10 copies of the text of the presentation, must be received by the CPSC Office of the Secretary no later than May 20, 2002. Persons making presentations at the meeting should provide an additional 50 copies for dissemination on the date of the meeting. Written submissions that are in place of, or in addition to oral presentations, must be received by the Office of the Secretary no later than July 18, 2002. Ten copies should be provided.

Presentation texts and other written submissions should identify the author's affiliation with, or employment or sponsorship by, any entity with an interest in the upholstered furniture proceeding. Any data, analyses or studies should include substantiation and citations. The Commission reserves the right to limit the number of persons who make presentations and the duration of their presentations.

**ADDRESSES:** The meeting will be in room 420 of the East-West Towers Building, 4330 East-West Highway, Bethesda, MD. Written comments, requests to make oral presentations, and texts of oral presentations should be captioned "Upholstered Furniture Flammability Proceeding" and mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda, Maryland 20814. Comments, requests, and texts of oral presentations may also be filed by facsimile to (301) 504-0127 or by e-mail to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

**FOR FURTHER INFORMATION CONTACT:** For information about the purpose or subject matter of this meeting contact Dale R. Ray, Project Manager, Directorate for Economic Analysis, U.S.

Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0962, extension 1323; fax (301) 504-0109; e-mail [dray@cpsc.gov](mailto:dray@cpsc.gov). For information about the schedule for submission of written comments, requests to make oral presentations, and submission of texts of oral presentations, contact Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0800, extension 1232; fax (301) 504-0127; e-mail [rhammond@cpsc.gov](mailto:rhammond@cpsc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

In 1994, the Commission initiated a regulatory proceeding to address the hazard of small open flame ignitions of upholstered furniture by publication of an advance notice of proposed rulemaking (ANPR). 59 FR 30735 (June 15, 1994). Small open flame sources include, for example, cigarette lighters, matches, and candles. The CPSC staff work indicates that a small open flame performance standard for upholstered furniture could reduce the risk of death, injury, and property loss.

Following issuance of the ANPR, CPSC staff developed a draft performance standard and a test method to evaluate the small open flame performance of upholstered furniture. In October 1997, the staff forwarded a briefing package to the Commission concluding that a small open flame standard was feasible and could effectively reduce the risks to consumers, including risks from both small open flame and cigarette ignitions. Since 1997, the staff has continued to develop the small open flame standard.

The standard that the staff has drafted contains performance requirements for small open flame ignition resistance of seating areas and dust covers of upholstered furniture. It also includes an optional seating barrier test that would allow the use of fire-retardant barriers, or interliners, instead of FR cover fabrics. The seating barrier test is intended to preserve consumer choice among many existing upholstery fabrics. CPSC staff believes that this would give manufacturers flexibility in achieving compliance, and would reduce the potential economic burden of the performance standard, especially for small businesses.

In the 1997 briefing package, the staff recommended that the CPSC gather additional scientific information to ensure that flame retardant (FR) upholstery fabric treatments that manufacturers might use would not result in adverse health effects. In 1998, the Commission held a public hearing

on FR chemical issues. Representatives of government, industry, fire safety organizations, and other interested parties testified at the May 5-6, 1998 public hearing, or submitted information about FR chemicals following the hearing. The staff incorporated the information submitted pursuant to the public hearing and all other available scientific data into the FR chemical risk assessment in the October 30, 2001 briefing package. That assessment concluded that four of the eight FR chemicals selected for risk assessment would clearly not be considered hazardous to consumers under the Federal Hazardous Substances Act (FHSA). The assessment also identified one chemical as unlikely to be hazardous, one as hazardous, and two for which additional data were needed.

In the CPSC Fiscal Year 1999 appropriation bill, Congress directed the Commission to sponsor an independent study by the National Academy of Sciences (NAS) of potential health risks from FR chemicals that might be used to meet a flammability standard. The final NAS report was published in July 2000. The NAS study concluded that 8 of the 16 FR chemicals reviewed would present a minimal risk, even under "worst case" exposure assumptions. The NAS recommended further study for the remaining 8 chemicals.

##### **B. The Public Meeting**

The purpose of the public meeting is to provide a forum for dialog between Commission staff and interested parties on the work performed to date by the staff in developing a draft small open flame ignition standard for upholstered furniture, the related information developed during that effort, the progress of efforts by outside organizations to address the risk, and recent developments in related flammability issues. The meeting is not a Commission hearing.

Participation in the meeting is open. The CPSC staff will notify specific representatives of identified interest groups such as industry sectors (furniture, fabrics, foam, chemicals), fire safety and government (national, state/local, international), and consumer interests of the meeting. The meeting will be conducted in an open discussion format. Participants may be organized into panels to address specific topics. See the **DATES** section of this notice for information on making requests to give oral presentations at the meeting and on making written submissions.

<sup>1</sup> Briefing memorandum from Dale R. Ray, Project Manager, Directorate for Economic Analysis, to the Commission, "Upholstered Furniture Flammability: Regulatory Options," October 30, 2001. The document may be obtained from the CPSC web site at [www.cpsc.gov](http://www.cpsc.gov) or from the CPSC Office of the Secretary. The document is also available for inspection at the Commission's Public Reading Room, 4330 East-West Highway, room 419, Bethesda, Maryland 20814. For further information call the Office of the Secretary at (301) 504-0800.

### C. Meeting Topics

To assist interested parties in deciding on whether and how to participate in the public meeting, or to submit written comments on the staff briefing package, the Commission is providing the following list of topics.

- Fire data & analysis
- Standards development & laboratory testing
- The CPSC staff's draft small open flame standard
- FR chemical testing, analysis & risk assessment
- Economic analysis
- Other standards/harmonization
  - California TB-117
  - United Kingdom regulations
  - Voluntary standards activities
- Industry efforts to develop safer products & materials
- Regulatory alternatives

As indications of interest in making presentations and otherwise participating in the meeting are received, the Commission will revise and update the list of topics.

Dated: March 14, 2002.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 101

[Docket No. 01N-0458]

RIN 0910-AA19

#### **Food Labeling; Guidelines for Voluntary Nutrition Labeling of Raw Fruits, Vegetables, and Fish; Identification of the 20 Most Frequently Consumed Raw Fruits, Vegetables, and Fish**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is proposing to amend the voluntary nutrition labeling regulations by updating the names and the nutrition labeling values for the 20 most frequently consumed raw fruits, vegetables, and fish in the United States. We are taking this action because current regulations require the agency to publish proposed updates (or a notice that the data sets have not changed from the previous publication) at least every

4 years. We also propose to revise the guidelines for the voluntary nutrition labeling of raw fruits, vegetables, and fish to make necessary changes resulting from the updated nutrition information and to provide further clarification of the guidelines. Availability of the updated nutrition labeling values in retail stores and on individually packaged raw produce and fish will enable consumers to make better purchasing decisions to meet their dietary needs.

**DATES:** Submit written or electronic comments on this proposal by June 3, 2002. See section IX of this document for the proposed effective date of a final rule based on this document.

**ADDRESSES:** Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.fda.gov/dockets/ecomments>.

**FOR FURTHER INFORMATION CONTACT:** Lori LeGault, Center for Food Safety and Applied Nutrition (HFS-840), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301-436-1791, or e-mail: [LLeGault@cfsan.fda.gov](mailto:LLeGault@cfsan.fda.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

In response to requirements of the Nutrition Labeling and Education Act of 1990 (the 1990 amendments) (Public Law 101-135), which amended the Federal Food, Drug, and Cosmetic Act (the act), we published final regulations in the **Federal Register** of November 27, 1991 (56 FR 60880) (the 1991 final rule), and corrections in the **Federal Registers** of March 6, 1992 (57 FR 8174), and March 26, 1992 (57 FR 10522) that: (1) Identified the 20 most frequently consumed raw fruits, vegetables, and fish in the United States, which are those varieties purchased raw but not necessarily consumed raw; (2) established guidelines for the voluntary nutrition labeling of these foods; and (3) set the criteria for food retailers to meet substantial compliance with these guidelines. The 1991 final rule also required us to publish proposed updates of the nutrition labeling data for the 20 most frequently consumed raw fruits, vegetables, and fish (or a notice that the data sets have not changed) at least every 2 years (56 FR 60880 at 60888 and 60891).

Next, we published a proposed rule on the voluntary nutrition labeling program in the **Federal Register** of July 18, 1994 (59 FR 36379) (the 1994 proposed rule), and a correction in the

**Federal Register** of July 21, 1994 (59 FR 37190). The 1994 proposed rule proposed to: (1) Update the nutrition labeling values for the 20 most frequently consumed raw fruits, vegetables, and fish in the United States; and (2) revise the guidelines for the voluntary nutrition labeling of these foods to reflect the 1993 mandatory nutrition labeling final rules.

Finally, in the **Federal Register** of August 16, 1996 (61 FR 42742), we published a final rule entitled "Food Labeling; Guidelines for Voluntary Nutrition Labeling of Raw Fruits, Vegetables, and Fish; Identification of the 20 Most Frequently Consumed; and Policy for Data Base Review for Voluntary and Mandatory Nutrition Labeling" (the 1996 final rule). In the 1996 final rule, among other actions, we revised: (1) The nutrition labeling values for the 20 most frequently consumed raw fruits, vegetables, and fish in the United States, and (2) the guidelines for the voluntary nutrition labeling of these foods. We also modified the guidelines in § 101.45(b) (21 CFR 101.45(b)), in response to comments, to state that we would publish every 4 years (rather than 2 years) proposed updates of the nutrition data or a notice that the data sets have not changed from the previous publication (comment 12, 61 FR 42742 at 42746 and 42760).

We are now proposing to update the listing of the 20 most frequently consumed raw fruits, vegetables, and fish and their nutrition labeling values based on new data submitted or made available to the agency. This will enable consumers to have more accurate and up-to-date nutrition information for these foods.

##### **II. Guidelines for Presentation of the Nutrition Labeling Values**

###### *A. Background and Proposed Revisions*

To provide clarity and consistency in the voluntary nutrition labeling of raw fruits, vegetables, and fish, we propose to: (1) Divide current § 101.45(a)(3)(iii) into two parts (i.e., into §§ 101.45(a)(3)(iii) and 101.45(a)(3)(iv)) so that § 101.45(a)(3)(iii) pertains only to raw fruits and vegetables and § 101.45(a)(3)(iv) pertains only to raw fish, and (2) revise the wording for consistency and increased readability. In § 101.45(a)(3)(iii), we also propose to change the portion of the footnote about the saturated fat content of avocados from " \* \* \* avocados provide 1 gram (g) of saturated fat per ounce (oz)" to " \* \* \* avocados provide 0.5 g of saturated fat per oz." This decrease in saturated fat content is based on the most recent