

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, is proposed to be amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

AEA VA E5 Clarksville, VA

Marks Municipal Airport, VA

(Lat. 36°35'45" N, long. 78°33'37" W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marks Municipal Airport excluding that portion within the Chase City Municipal Airport 700 foot Class E Airspace Area.

\* \* \* \* \*

Issued in Jamaica, New York, on November 30, 1995.

John S. Walker,

Manager, Air Traffic Division.

[FR Doc. 95-29353 Filed 11-30-95; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 71

[Airspace Docket No. 95-AEA-07]

### Proposed Amendment to Class E Airspace; Elkins, WV

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to amend the Class E airspace area at Elkins, WV. The development of a new Standard Instrument Approach Procedure (SIAP) at Elkins-Randolph County-Jennings Randolph Field based on the Global Positioning System has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for instrument flight rules (IFR) operations at the airport.

**DATES:** Comments must be received on or before February 29, 1996.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, System Management Branch, AEA-530, Docket No. 95-AEA-07, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy

International Airport, Jamaica, New York 11430.

An informal docket may also be examined in the during normal business hours in the System Management Branch, AEA-530, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Francis T. Jordan, Jr., Airspace Specialist, System Management Branch, AEA-530, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553-4521.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 95-AEA-07." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons

interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

##### The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Class E airspace area at Elkins, WV. A GPS RWY 23 SIAP has been developed for the Elkins-Randolph County-Jennings Randolph Field. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for IFR operations at the airport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

##### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

### PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, is proposed to be amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

AEA WV E5 Elkins, WV

Elkins-Randolph County-Jenings Randolph Field Airport, WV  
(Lat 38°53'22" N, long. 79°51'25" W)

That airspace extending upward from 700 feet above the surface within a 11-mile radius of Elkins-Randolph County-Jennings Randolph Field Airport.

\* \* \* \* \*

Issued in Jamaica, New York, on November 30, 1995.

John S. Walker,

*Manager, Air Traffic Division.*

[FR Doc. 95-29352 Filed 11-30-95; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 801, 803, 804, and 897

[Docket No. 95N-0253]

#### Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents: Findings of the Focus Group Testing of Brief Statements for Cigarette Advertisements

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

**ACTION:** Notice of findings.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the findings of focus groups concerning the brief statements that would be required on all cigarette advertising. On August 11, 1995, FDA issued a proposed rule which, among other things, would require cigarette advertising to carry a brief statement on the relevant warnings, precautions, side effects, and contraindications pertaining to cigarette use. The agency said it would perform extensive focus group testing on the proposed brief statement. This document announces the findings of that focus group testing.

**DATES:** Written comments by January 2, 1996.

**ADDRESSES:** Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug

Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Philip L. Chao, Office of Policy (HF-23), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-3380.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of August 11, 1995 (60 FR 41314), FDA published a proposed rule that would restrict the sale and distribution of cigarettes and smokeless tobacco products in order to protect children and adolescents. The proposed rule, among other things, would require cigarette advertising to carry a brief statement, such as "About one out of three kids who become smokers will die from their smoking." The preamble to the proposed rule stated that FDA would conduct focus group testing of this proposed brief statement to evaluate the content and various formats for the brief statement to determine if the warnings are communicated effectively (60 FR 41314 at 41338). FDA also stated that it would base the design, format, and content of the brief statement which is required by section 502(r) of the Federal Food, Drug, and Cosmetic Act on all advertisements and other descriptive printed matter pertaining to restricted devices) on the results of the focus group testing and on comments to the proposed rule.

FDA has completed the focus group testing and, through this document, is announcing the focus groups' findings. FDA will use the report, as well as comments submitted on the report, to determine the design, format, and content of the brief statement when preparing a final rule. The report is accompanied by sample graphics illustrating how a brief statement might be presented and by two moderator's guides.

Interested persons may on or before January 2, 1996, submit to the Dockets Management Branch (address above) written comments on the focus group report. Two copies are to be submitted, except that individuals may submit one 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 office above between 9 a.m. and 4 p.m., Monday through Friday.

The report, entitled, "Findings of the Focus Group Testing of Brief Statements for Cigarette Advertisements," is as follows:

#### Executive Summary

Macro International, a research firm which provides survey, market research, and focus group services worldwide, was awarded a contract from the U.S. Food and Drug

Administration (FDA) to conduct a series of focus groups with adolescents to compare and evaluate brief statements directed to teens that address the risks of smoking. Macro has done nationally-representative surveys and demographic studies in 80 countries and has offices with state-of-the-art focus group facilities in its headquarters outside Washington DC, New York City, Moscow, Warsaw, Prague, Budapest, and Burlington VT.

This contract included two series of focus groups. The purpose of the first series of groups, held in Calverton, Maryland, was to examine a number of brief statements about smoking to determine which of several kinds of messages teens found most compelling. The purpose of the second series of focus groups, held in cities around the U.S., was to evaluate a shortened list of messages and consider methods of presentation that would be most effective in informing teens about the risks of smoking. Participants in these focus groups were 12-17 year old males and females, and included both smokers and non-smokers. The focus groups were held during October and November, 1995.

#### I. Assumptions and Basic Perceptions of Adolescent Smoking

According to the participants in the focus groups, smoking among teenagers is widespread. Almost all teens will try smoking at some point during their adolescence. There is little stigma attached to experimentation with smoking, since many teens consider it to be a "rite of passage". Few teens who are just beginning to smoke consider themselves at risk for becoming addicted to cigarettes because they are convinced that they can quit at any time. The groups said that teens try smoking because of peer pressure; the desire to do something that they perceive to be an adult activity; and as a way to rebel against their parents, either overtly or covertly.

Some of the focus groups did have active, regular smokers as part of the group, and the attitudes about smoking expressed by these participants was quite different than those expressed by non-smokers or occasional smokers. Participants who indicated that they were regular smokers did not mention any of the reasons given by "social smokers" as their reasons for smoking. They do not smoke in groups, nor do they smoke for social acceptance. Rather, they smoke because it "calms them down" or satisfies a physical need. Non-smokers or infrequent smokers indicated that they felt most people could stop smoking at any time; the teens who said they were addicted to smoking made it clear that, for them, smoking was no longer a matter of choice but a matter of need.

#### II. Perceptions of Cigarette Advertising

All of the groups expressed familiarity with the cigarette advertisements shown to them, and many were aware of incentive programs sponsored by major cigarette manufacturers, whereby cigarette smokers could receive clothing items or other products by cashing in "Camel dollars" or "Marlboro miles" for products from a catalog. The focus groups said that they felt the