

(2) Disconnect the electrical power and ensure that the connections are properly secured to reduce the possibility of electrical spark or structural damage;

(3) Inspect and test to ensure that the cabin heater system is disabled;

(4) Ensure that no other aircraft system is affected by this action;

(5) Ensure there are no fuel leaks; and

(6) Fabricate a placard with the words: "System Inoperative". Install this placard at the heater control valve within the pilot's clear view.

(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) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(e) Alternative methods of compliance for the combustion tube repetitive inspections required by this AD that are approved in accordance with AD 82-07-03 (superseded by this action) are approved as alternative methods of compliance with the applicable portion of paragraph (a) of this AD.

(f) All persons affected by this directive may obtain copies of the document referred to herein upon request to The New Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) This amendment supersedes AD 82-07-03, Amendment 39-4354.

Issued in Kansas City, Missouri, on March 11, 1996.

James E. Jackson,

Acting Manager, Small Airplane Directorate,
Aircraft Certification Service.

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Office of the Secretary

14 CFR Part 243

[Notice No. 96-4; Docket No. 47383]

RIN 2105-AB78

Notice of Public Meeting on Implementing a Passenger Manifest Information Requirement

AGENCY: Office of the Secretary, DOT.

ACTION: Announcement of public meeting.

SUMMARY: On March 29, 1996, DOT will conduct a public meeting on implementing a passenger manifest information requirement that would require in the instance of an aviation disaster that occurs on a flight to or from the United States on a U.S. or foreign air carrier that the air carrier transmit rapidly to the Department of State information on the U.S.-citizen passengers on the flight. The public meeting is being held because it has been brought to the attention of DOT that the Department of State encountered difficulties in securing information on U.S.-citizen passengers in the aftermath of the recent Cali, Colombia, aviation disaster. Since a long period of time has elapsed since this issue arose originally in the aftermath of the 1988 Lockerbie, Scotland, aviation disaster, and since DOT received comments in response to its January 31, 1991, (56 FR 3810) advance notice of proposed rulemaking (ANPRM) on a passenger manifest information requirement (see also the correction at 56 FR 5665), we believe that a public meeting during which stakeholders can exchange views and update knowledge on implementing such a requirement is necessary as a prelude to DOT proposing a passenger manifest information requirement.

DATES: Public Meeting: Friday, March 29, 1996, at 10:00 a.m.

ADDRESSES: The Public Meeting will be held in Rooms 8236-40, U.S. Department of Transportation, Nassif Building, 400 7th Street, SW, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Dennis Marvich, Senior Economist, Office of International Transportation and Trade, DOT, (202)366-4398; or Joanne Petrie, Senior Attorney, Office of the General Counsel, DOT, (202)366-4723.

SUPPLEMENTARY INFORMATION: DOT intends to propose a passenger manifest information requirement that would require, in the instance of an aviation disaster that occurs on a flight to or from the United States on a U.S. or foreign air carrier, that the air carrier transmit rapidly to the Department of State information on the U.S.-citizen passengers on the flight. We anticipate that foreign air carriers would be included because they account for about one half of international passenger trips to and from the United States, and because section 319 of the DOT FY 1996 Appropriation Act states, "None of the funds provided in this Act shall be

made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers."

A passenger manifest information requirement was contained in section 203 of the Aviation Security Improvement Act of 1990 (ASIA), Public Law 101-604, which was enacted in response to concerns about difficulties that the Department of State experienced in securing information on U.S.-citizen passengers in the aftermath of the 1988 Pan Am 103 aviation disaster over Lockerbie, Scotland. A discussion of that experience is found in Chapter 7 of the Report of the President's Commission on Aviation Security and Terrorism (Washington, D.C.: 1990). The complete text of section 203 of ASIA follows:

"Sec. 203. Passenger Manifest.

(a) Mandatory Availability of Passenger Manifest.—Section 410 of the Federal Aviation Act of 1958 [Note: Section 410 of the Federal Aviation Act of 1958 is now recodified as 49 U.S.C. 44909] is amended to read as follows:

"Sec. 410. Passenger Manifest.

"(a) *Requirement.*—Not later than 120 days after the date of the enactment of this section, the Secretary of Transportation shall require all United States air carriers to provide a passenger manifest for any flight to appropriate representatives of the United States Department of State—

"(1) Not later than 1 hour after any such carrier is notified of an aviation disaster outside the United States which involves such flight; or

"(2) If it is not technologically feasible or reasonable to fulfill the requirement of this subsection within 1 hour, then as expeditiously as possible, but not later than 3 hours after such notification.

"(b) *Contents.*—For purposes of this section, a passenger manifest should include the following information:

"(1) The full name of each passenger.

"(2) The passport number of each passenger, if required for travel.

"(3) The name and telephone number of a contact for each passenger."

(b) *Implementation.*—In implementing the requirement pursuant to the amendment made by subsection (a) of this section, the Secretary of Transportation shall consider the necessity and feasibility of requiring United States air carriers to collect passenger manifest information as a condition for passenger boarding of any flight subject to such requirement.

(c) *Foreign Air Carriers.*—The Secretary of Transportation shall

consider a requirement for foreign air carriers comparable to that imposed pursuant to the amendment made by subsection (a).

(d) *Information From United States Passports.*—Notwithstanding any other provision of law, to the extent provided in appropriations Acts, for each fiscal year not more than \$5,000,000 in passport fees collected by the Department of State may be credited to a Department of State account. Amounts credited to such account shall be available only for the costs associated with the acquisition and production of machine-readable United States passports and visas and compatible reading equipment. Amounts credited to such account are authorized to remain available until expended.

(e) *Conforming Amendment to Table of Contents.*—The table of contents contained in the first section of the Federal Aviation Act of 1958 is amended by striking the item relating to section 410 and inserting the following: “Sec. 410. Passenger Manifest.”.

Public Law 101–604 also sets forth Department of State notification responsibilities in section 204. The complete text of Section 204 follows: Sec. 204. Department of State Notification of Families of Victims.

(a) *Department of State Policy.*—It is the policy of the Department of State pursuant to section 43 of the State Department Basic Authorities Act to directly and promptly notify the families of victims of aviation disasters abroad concerning citizens of the United States directly affected by such a disaster, including timely written notice. The Secretary of State shall insure that such notification by the Department of State is carried out notwithstanding notification by any other person.

(b) *Department of State Guidelines.*—Not later than 60 days after the date of enactment of this Act, the Secretary of State shall issue regulations, guidelines, and circulars as are necessary to ensure that the policy under subsection (a) is fully implemented.

In response to a January 31, 1991 (56 FR 3810), advance notice of proposed rulemaking (ANPRM) on a passenger manifest information requirement (see also the correction at 56 FR 5665), DOT received comments indicating that the costs of implementing a passenger manifest information requirement such as the one found in section 203 would be extremely high. Additional comments on the high costs of implementing section 203 were received in response to President Bush's 1992

Regulatory Moratorium and Review. In light of these comments and the fact that aviation disasters occur so rarely, DOT has scrutinized section 203 in an effort to determine if a low-cost way to implement a passenger manifest information requirement exists. DOT has considered seeking repeal of section 203. Because it has been reported to DOT that difficulties were experienced by the Department of State in securing a list of passengers in the aftermath of the recent American Airlines crash in Cali, Colombia, DOT now, however, intends to propose a passenger manifest information requirement.

The Cali, Colombia, incident took place almost exactly seven years after the passenger manifest issue first arose in connection with the Pan Am 103 tragedy. It has been over five years since DOT received comments in response to its ANPRM on this subject. In the interim, issues surrounding and operational aspects regarding the best way to implement a passenger manifest information requirement may have changed. DOT is interested in getting up-to-date information on how it can implement a passenger manifest requirement so that U.S. and foreign carriers alike can achieve the most effective transmission of information after an aviation disaster at a cost that the general public and the aviation community will find reasonable. The purpose of the public meeting is to gather information and allow stakeholders in the implementation of a passenger manifest information requirement to exchange views.

The meeting will be tape recorded. Any written submissions will be placed in the docket, and should be submitted to: Documentary Services Division—Docket 47383, C–55, U.S. Department of Transportation, Room PL–401, 400 7th Street, SW, Washington, D.C. 20590. We request, but do not require, that three copies be submitted.

DOT will seek answers to the following questions at the public meeting. In addition, other questions may arise in the course of the meeting.

Information Availability and Current Notification Practice

1. What information regarding the passengers on an international flight to or from the United States does or should an air carrier have on-hand within one hour of learning that an aviation disaster has occurred? In what form is this information kept, electronic or otherwise? What degree of accuracy exists with regard to a passenger manifest that is produced quickly? Is implementing a passenger manifest information requirement simply a

matter of legally requiring, in the instance of an aviation disaster, that this already-on-hand information must be transmitted rapidly to the Department of State? Do answers to these questions change if the time period is extended to three hours? What is the process of refining or confirming initial information as more time elapses?

2. Apart from the passenger information that is available within 1–3 hours, does other information on the passenger exist and what does it consist of? Who has this information, the air carrier or others? What is involved in accessing the information, and how long is it likely to take to access it?

3. In the event of an aviation disaster, how does an air carrier currently compile an accurate list of passengers, respond to inquiries from the families of passengers, and notify the families of passengers of the fate of passengers? How long does this take from the time the first family is notified until the time that the last family is notified? Does the air carrier wait until the identity of all passengers on the flight is known before making notifications, or does the air carrier make notifications on a so-called “rolling basis”? What information is given to the Department of State and how quickly? Is the information given to others, such as the news media, and how quickly?

4. How does an air carrier respond to inquiries from families who believe that a family member(s) may have been on a flight before the air carrier has determined for itself whether or not this individual(s) was on the flight? Before the air carrier has determined the fate of the passenger(s) in question? What information is compiled by the air carrier in order to answer inquiries/make notifications and how is it obtained? Is all of the information that is listed in section 203 of Public Law 101–604 (full name, passport number [if required for travel], contact name, contact telephone number) compiled by the air carrier for each passenger before or during this process? If so, when? If not, what information is not compiled?

Privacy Considerations

5. Some foreign governments indicated in ANPRM comments that privacy laws in effect in their countries would prevent collecting passenger information in their countries. Since section 203 would only require information to be collected from U.S.-citizen passengers, if this information were only used in the event of an aviation disaster, and then only disclosed to the Department of State, would any general privacy concerns arise? If the information were allowed to

be shared with other U.S. Government agencies, such as U.S. Customs Service, which collects similar information from passengers for input into its Advance Passenger Information System (APIS), would any additional privacy concerns arise? Are there ways to overcome these privacy concerns?

6. We have been told that air carriers currently are reluctant to provide passenger information to the Department of State in the absence of a waiver of responsibility for disclosure of the information to third parties. What falls within the ambit of this issue? To what extent does the 1974 Privacy Act govern this issue?

Similar Information Requirements

7. The Advance Passenger Information System (APIS) of the U.S. Customs Service requires participating air carriers (participation is voluntary) to collect a passenger's full name, passport number, date of birth, and other information, but not contact information. U.S. Customs provides electronic passport readers to air carriers participating in the program. APIS information (API) is currently collected for about 50 percent of U.S.-incoming passengers (U.S. citizens and non-U.S. citizens). For a covered flight, API is collected on the ground and then transmitted to the U.S. Customs Service while the flight is en route, so, were an APIS-covered flight to end in disaster, the API would be available for immediate transmittal to the Department of State. API is collected by using electronic scanning devices to scan the information on the optical character recognition (OCR) zone of U.S. and other countries' machine-readable passports. (Emergency contact information is not available from the magnetic strip.) Could the API information be used to fulfill the passenger manifest information requirement of section 203? If air carriers were required to also collect contact information for U.S. citizens on APIS flights, how would they likely do so? What would be the practical effects of doing so?

8. It is our understanding that as part of the passport application, the Department of State currently collect information on emergency contacts. It is also our understanding that this contact information is optional, that is, the information is not required to be provided in order to receive a passport. Further, we understand that the Department of State's passport information is automated and that, if provided, contact information is maintained as part of this automated passport information. We would like to

know what role this Department of State contact information might play in identifying the families of passengers aboard a flight that ends in disaster? What information is needed to access Department of State passport records? Can these records be accurately accessed using APIS information?

Information Collection Technique

9. Some comments received by DOT said that passenger manifest information, by necessity, would have to be collected primarily at the time of reservation in computer reservation systems (CRSs). (It was, however, recognized in these comments that all passengers would not provide the information at the time of reservation, and thus that provision would also have to be made to collect the information from some passengers at the airport.) Others have mentioned the approach of redesigning boarding passes so they would have a detachable stub that could be filled out by passengers and dropped in a box just before boarding their flight. APIS, the closest counterpart collection system that we are aware of, usually involves, as we understand it, airport scanning of passports with input of the information into the air carrier's CRS. What are the pros and cons of these different collection systems for the large scale collection of passenger manifest information?

Elements of the Cost of Collecting Passenger Manifest Information

10. Executive order 12866 requires the Department of Transportation to quantify the costs and benefits of regulations that it proposes and issues. What are the cost elements that would be involved in collecting passenger manifest information, limiting the discussion to only the additional costs that would be incurred? How much additional time would it take to collect passenger manifest information from a passenger? What would one-time costs consist of? What would recurring, annual costs consist of? Approximately what percentage of recurring, annual costs would be for additional personnel to collect the information? Give an approximate compensation (salary plus benefits) figure for the additional personnel that would collect the information?

Issued in Washington, D.C. on March 12, 1996

Patrick V. Murphy,

Deputy Assistant Secretary for Aviation and International Affairs.

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FEDERAL TRADE COMMISSION

16 CFR Part 21

Request for Comments Concerning Guides for the Mirror Industry

AGENCY: Federal Trade Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission (the "Commission") is requesting public comments on its Guides for the Mirror Industry (the "Mirror Guides" or "these Guides"). The Commission is also requesting comments about the overall costs and benefits of these Guides and their overall regulatory and economic impact as a part of its systematic review of all current Commission regulations and guides.

DATES: Written comments will be accepted until April 15, 1996.

ADDRESSES: Comments should be directed to: Secretary, Federal Trade Commission, Room H-159, Sixth and Pennsylvania Avenue, N.W., Washington, D.C. 20580. Comments about the Mirror Guides should be identified as "16 CFR Part 21—Comment."

FOR FURTHER INFORMATION CONTACT: Jessica D. Gray, Attorney, Federal Trade Commission, Boston Regional Office, 101 Merrimac Street, Suite 810, Boston, MA 02114-4719, (617) 424-5960.

SUPPLEMENTARY INFORMATION: The Commission has determined, as part of its oversight responsibilities, to review rules and guides periodically. These reviews will seek information about the costs and benefits of the Commission's rules and guides and their regulatory and economic impact. The information obtained will assist the Commission in identifying rules and guides that warrant modification or rescission.

A. Background

The Mirror Guides, promulgated by the Commission on June 30, 1962, and amended on September 13, 1972 (16 CFR Part 118) (1972), and February 27, 1979 (44 FR 11183 (1979)), give guidance about acceptable and unacceptable claims made in advertising or promotional materials used during the sale or distribution of mirrors. Specifically, these Guides make it an unfair or deceptive act or practice for any industry member in connection with the sale, offering for sale, or distribution of mirrors to use any advertisement or representation that is false or has the tendency to mislead purchasers or prospective purchasers with respect to the type, grade, quality, quantity, use, size, design, material,