

operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

### Regulatory Impact

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the 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 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 the following new airworthiness directive:

**Lockheed Aeronautical Systems Company:** Docket 97-NM-93-AD.

*Applicability:* Model 1329-25 series airplanes equipped with an engine tailpipe V-band coupling, part number (P/N) NH1002299-10; and Model 1329-23 series airplanes that have been modified in accordance with Supplemental Type Certificate (STC) SA2326SW, equipped with

an engine tailpipe V-band coupling, P/N NH1002299-10; certificated in any category.

**Note 1:** This AD applies to each airplane 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 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 (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 as indicated, unless accomplished previously.

To prevent displacement of the engine tailpipes, which could result in escape of hot exhaust gases from the engine tailpipe, and consequent damage to adjacent structure, accomplish the following:

(a) Within 12 months after the effective date of this AD, replace the tailpipe V-band coupling having P/N NH1002299-10 with a new, redesigned coupling having P/N NH1003605-10, in accordance with Step 1, Figure 71-1, of Lockheed JetStar II Handbook of Operating and Maintenance Instructions, undated (for Model 1329-25 series airplanes); or Step 8, Figure 71-1(S), of Airesearch Aviation Company 731 JetStar Handbook of Operating and Maintenance Instructions, undated (for Model 1329-23 series airplanes); as applicable.

(b) As of 12 months after the effective date of this AD, no person shall install a tailpipe V-band coupling, P/N NH1002299-10, on any airplane.

(c) 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, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(d) 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.

Issued in Renton, Washington, on January 2, 1998.

**Darrell M. Pederson,**

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

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## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1210

### Multi-Purpose Lighters; Extension of Period for Issuing a Notice of Proposed Rulemaking

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of extension of time period.

**SUMMARY:** The Commission published an advance notice of proposed rulemaking (ANPR) on January 16, 1997, with respect to the risk posed by young children starting fires with multi-purpose lighters. Multi-purpose lighters are butane-fueled lighters with an extended nozzle from which the flame is emitted. These lighters typically are used to light devices such as charcoal and gas grills and fireplaces. Under the applicable statute, if the Commission publishes a notice of proposed rulemaking, it must do so within 12 months after the date of publication of the ANPR, unless the Commission extends the time period. Because of the time required for the staff to conduct the work and analyses necessary for the Commission to decide whether to publish a notice of proposed rulemaking, the Commission for good cause extends the period until September 30, 1998.

**FOR FURTHER INFORMATION CONTACT:** Barbara Jacobson, Directorate for Epidemiology and Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0477, ext. 1206.

### SUPPLEMENTARY INFORMATION:

#### A. Background

Multi-purpose lighters are butane-filled lighters with an extended nozzle, typically 4 to 8 inches long, from which the flame is emitted. The long nozzle allows the user to reach hard-to-light places and also keeps the user's hand away from the flames. The lighters are activated by applying pressure to a trigger or button mechanism, which initiates fuel flow and causes a piezo-electric spark. They are most commonly used to light charcoal or gas grills and fireplaces. The lighters also are used to light campfires, camp stoves, LP gas ranges in recreational vehicles, and pilot lights in household gas appliances. Most multi-purpose lighters now sold include some type of on/off switch. Usually, this is a two-position slider-type switch that must be in the ON position before the lighter can be activated.

In February 1996, Judy L. Carr petitioned the Commission to "initiate Rulemaking Proceedings to amend 16 CFR 1210, the *Safety Standard for Cigarette Lighters*, to include the Scripto® Tokai Aim 'n Flame™ disposable butane 'multi-purpose' lighter within the scope of that standard and its child resistant performance requirements." The petitioner provided information about eight incidents associated with the Aim 'n Flame™ lighter. One of the incidents involved the petitioner's child. Information about the other incidents was obtained through discovery in the petitioner's litigation with the product's manufacturer.

The Commission also was aware of 53 fires from January 1988 through October 1996 that were started by children under age 5 using multi-purpose lighters. These fires resulted in 10 deaths and 24 injuries. Based on this, and other relevant information, the Commission, on January 16, 1997 (62 FR 2327), commenced a rulemaking proceeding by publishing an ANPR under the Consumer Product Safety Act (CPSA) that could result in the promulgation of a rule mandating a performance standard for the child-resistance of the operating mechanism of multi-purpose lighters.

### B. Statutory Procedure

Before adopting a CPSA standard, the Commission first must issue an ANPR as provided in section 9(a) of the CPSA, 15 U.S.C. 2058(a). If the Commission decides to continue the rulemaking proceeding after considering responses to the ANPR, the Commission must then publish the text of the proposed rule, along with a preliminary regulatory analysis, in accordance with section 9(c) of the CPSA, 15 U.S.C. 2058(c). If the Commission then wishes to issue a final rule, it must publish the text of the final rule and a final regulatory analysis that includes the elements stated in section 9(f)(2) of the CPSA, 15 U.S.C. 2058(f)(2). In addition, before issuing a final regulation, the Commission must make certain statutory findings concerning voluntary standards, the relationship of the costs and benefits of the rule, and the burden imposed by the regulation. CPSC § 9(f)(3), 15 U.S.C. 2058(f)(3).

Section 9(c) of the CPSA, 15 U.S.C. 2058(c), further provides that if the Commission continues the rulemaking by issuing a notice of proposed rulemaking, it must do so within 12 months after publication of the ANPR, or by January 16, 1998, unless the Commission extends the 12-month period for good cause. In that event, the Commission must send notice of the

extension to specified congressional committees, explaining the reasons for the extension and estimating the date by which the Commission anticipates the rulemaking will be completed. The Commission is required to publish notice of such extension, and the information submitted to Congress, in the **Federal Register**.

### C. Ongoing Staff Work

In order to obtain the information necessary for the Commission to decide whether to issue a proposed rule, the staff has contracted for "baseline" testing of multi-purpose lighters. The purpose of this testing is to evaluate the potential benefits of any mandatory requirements by determining the proportion of children under 5 years of age that can operate the lighters. The testing is being conducted using panels of children. The staff is also evaluating the feasibility of mandatory child-resistant features on multi-purpose lighters and the potential costs of mandatory requirements.

### D. Schedule for Publication of Notice of Proposed Rulemaking

The baseline testing is scheduled to be completed in March 1998. Shortly thereafter, the staff expects to complete a briefing package. The briefing package will (1) provide staff responses to the comments on the ANPR, (2) update the incident data, (3) report the results of the baseline testing, (4) include a draft preliminary regulatory analysis, and (5) discuss other technical work needed to address issues raised in the comments on the ANPR. It is anticipated that a notice of proposed rulemaking (NPR), if approved, would be published in the summer of 1998. If an NPR is published, a final rule could be issued during Fiscal Year 1999.

#### *Extension of Time Period*

Based on the foregoing, the Commission, for good cause, on December 23, 1997, voted to extend the period of time for issuance of a notice of proposed rulemaking for multi-purpose lighters until September 30, 1998. The Commission estimates that, if an NPR is issued by that date, the rulemaking could be concluded with the issuance of a final rule by September 30, 1999. The Commission notes, however, that if it is unable to make the findings required by the statute, the proceeding could be further extended or terminated.

Dated: December 31, 1997.

**Todd A. Stevenson,**

*Deputy Director, Office of the Secretary,  
Consumer Product Safety Commission.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 101

[Docket Nos. 96P-0023 and 96P-0179]

### Food Labeling; Serving Sizes; Reference Amounts for Candies

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

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is proposing to amend the nutrition labeling regulations to modify the product category "Sugars and Sweets: Hard candies, others" by adding "after-dinner mints, caramels, fondants (e.g., plain mints, candy corn), and liquid and powdered candies" as kinds of products included under the category, and a reference amount customarily consumed per eating occasion (reference amount) of 15 milliliters (mL) for liquid candies; create a new product category under "Sugars and Sweets," identified as "Chocolate-covered fondants (e.g., chocolate-covered creams, chocolate-covered mints), taffy, and plain toffee," with a reference amount of 30 grams (g); and clarify what kinds of candies belong to the "All other candies" product category by expanding the category name to include specific examples. This proposal is in response to two petitions and two letters submitted to the agency. The proposed changes are based on information provided in the letters and on analyses of the petitioners' data and of the most recent candy consumption data available from the U.S. Department of Agriculture's (USDA) 1994 and 1995 Continuing Survey of Food Intakes by Individuals (CSFII).

**DATES:** Written comments by March 24, 1998. See section V of this document for the proposed effective date of a final rule based on this document.

Written comments on the information collection requirements should be submitted by February 9, 1998.

**ADDRESSES:** Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.