

302(e)(2) of MITINA and, therefore, the recent changes to 8 CFR 204.5(d). The effect of this legislation is that the priority date for all employment-based petitions, regardless of when they are filed, shall be the date on which the state employment office accepted the labor certification application. In light of the above, 8 CFR 204.5(d) will be amended by removing the sentence which refers to labor certifications filed before October 1, 1991.

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based on the "good cause" exceptions found at 5 U.S.C. 553 (b)(3)(B), (d)(3). The reason and necessity for immediate implementation of this interim rule is as follows: This rule implements section 218 of INTCA, which became effective upon enactment, by removing a sentence in the regulations which is inconsistent with that section. Immediate promulgation of this rule is necessary to ensure that beneficiaries of employment-based petitions may avail themselves of a pre-October 1, 1991 priority date. As this rule benefits a very limited number of beneficiaries, it should have no adverse impact on other beneficiaries of employment-based petitions.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects only a very limited number of petitioners and aliens who filed requests for labor certifications prior to October 1, 1991.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

The regulation 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 rule does not

have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 8 CFR Part 204

Administrative practice and procedure, Aliens, Employment, Immigration, Petitions.

Accordingly, part 204 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 204—IMMIGRANT PETITIONS

1. The authority citation for part 204 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1186a, 1255; 8 CFR part 2.

§ 204.5 [Amended]

2. In § 204.5, paragraph (d) is amended by removing the second sentence.

Dated: June 13, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 96-16347 Filed 6-26-96; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-224-AD; Amendment 39-9682; AD 96-13-13]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F28 Mark 0100 and 0070 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 series airplanes, that currently requires certain maximum brake wear limits to be incorporated into the FAA-approved maintenance inspection program. That AD also currently requires that the Airplane Flight Manual (AFM) be revised to include certain procedures concerning operations in the event of a rejected takeoff (RTO). This amendment requires the incorporation of new maximum brake wear limits for additional brake units into the FAA-approved maintenance program. This action also deletes the previous requirement for the AFM revision. This amendment is prompted by the determination of the

maximum allowable brake wear limits for additional brake unit part numbers. The actions specified by the AD are intended to prevent the loss of brake effectiveness during a high energy RTO. **EFFECTIVE DATE:** August 1, 1996.

ADDRESSES: Information pertaining to this rulemaking action may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Ruth Harder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1721; fax (206) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94-06-06, amendment 39-8854 (59 FR 11713, March 14, 1994), which is applicable to certain Fokker Model F28 Mark 0100 series airplanes, was published in the Federal Register on February 12, 1996 (61 FR 5331). The action proposed to require the incorporation of new maximum brake wear limits for additional brake units into the FAA-approved maintenance program. The action also proposed to delete a previous requirement for a revision to the Airplane Flight Manual (AFM) that pertained to reporting certain rejected takeoff conditions to maintenance.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Extend Compliance Time

One commenter requests that the proposed compliance time of 180 days for incorporating the maximum brake wear pin limits into the maintenance program be extended to 360 days. This commenter, a U.S. operator, requests this extension in order to ensure that the new information provided in the AD can be inserted in its fleet's required manuals during a normal revision cycle. This would avoid the costs and time associated with having to issue a temporary partial revision and/or supplement.

The FAA does not concur. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the practical aspect of incorporating and implementing the required maintenance program change within a reasonable

period of time for the majority of affected operators. Additionally, the FAA has issued numerous other AD's, applicable to transport category airplanes, with requirements and compliance times similar to this one [for example, reference AD 94-09-03, amendment 39-8891 (59 FR 18713, April 20, 1994), pertaining to British Aerospace Model BAe 146 series airplanes; AD 94-11-07, amendment 39-8923 (59 FR 28475, June 2, 1994), pertaining to British Aerospace Model BAC 1-11 series airplanes; and AD 94-26-05, amendment 39-9101, (60 FR 3, January 3, 1995), pertaining to Airbus Model A300, A310, and A320 series airplanes]. The 180-day compliance time specified in each of the previously issued AD's apparently has posed no problem in implementation for operators that are subject to those AD's. The FAA considers that the brake wear limits should be followed as soon as this information can reasonably be incorporated into an affected operator's maintenance program. Since the issuance of temporary manual revisions is a common practice among operators, the FAA cannot find that the incorporation of information required by this AD within the 180-day time period would be an undue burden on any operator.

Request To Clarify Service Information

This same commenter requests clarification as to the appropriate manual that should be used to determine the limits for refurbished brakes. The commenter points out an apparent discrepancy in the proposed AD between Note 5 in proposed paragraph (a)(1) and Table 4: Both reference the Aircraft Braking Systems (ABS) Component Maintenance Manual with Illustrated Parts List, but one specifies the document number as "AP-652," while the other specifies "AP-625."

The FAA notes this typographical error. The correct document number is AP-652, which was shown correctly in Note 5 of the proposal. The FAA has revised Table 4 of the final rule to indicate this correct document number.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 124 Model F28 Mark 0100 and 0070 series airplanes of U.S. registry and 5 U.S. operators that will be affected by this AD.

The actions that are currently required by AD 94-06-06 take approximately 20 work hours per operator to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact on U.S. operators of the actions currently required is estimated to be \$6,000, or \$1,200 per operator.

The new actions that are required by this AD action will take approximately 20 work hours per operator to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact on U.S. operators of the new requirements of this AD is estimated to be \$6,000, or \$1,200 per operator.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the 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 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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 removing amendment 39-8854 (59 FR 11713, March 14, 1994), and by adding a new airworthiness directive (AD), amendment 39-9682, to read as follows:

96-13-13 Fokker: Amendment 39-9682.

Docket 95-NM-224-AD. Supersedes AD 94-06-06, Amendment 39-8854.

Applicability: Model F28 Mark 0100 and F28 Mark 0070 series airplanes, equipped with Aircraft Braking Systems Corp. brakes having part number (P/N) 5008132-2, -3, -4, -5, -6, -7, -8, or 5011809; 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 loss of brake effectiveness during a high energy rejected take off (RTO), accomplish the following:

Note 2: An alternate wear measurement (AWM) is a measurement of the brake stack that determines stack wear. This measurement is used for any brake assembly without a wear indicator pin, or any brake assembly having a damaged wear indicator pin. The brake wear can be determined by measuring the distance from the back of the pressure plate subassembly to the inboard face of the brake housing at the wear indicator location.

(a) For Model F28 Mark 0100 series airplanes: Within 180 days after April 13, 1994 (the effective date of AD 94-06-06, amendment 39-8854), accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD:

(1) Incorporate the maximum brake wear limits specified in the following tables into the FAA-approved maintenance inspection

program and comply with these measurements thereafter.

TABLE 1.—BRAKE MANUFACTURER: AIRCRAFT BRAKING SYSTEMS CORPORATION (ABS)

Brake P/N	Maximum settings—non refurbished brakes	
	Maximum wear pin measurement (inch/mm)	Alternate wear measurement (inch/mm)
5008132-2	1.85" (47 mm)	4.00" (101.6 mm)
5008132-3	1.85" (47 mm)	4.00" (101.6 mm)
5008132-4	2.10" (53.3 mm)	4.25" (107.9 mm)
5008132-5	2.10" (53.3 mm)	4.25" (107.9 mm)
5008132-6	2.10" (53.3 mm)	4.25" (107.9 mm)
5008132-7	2.10" (53.3 mm)	4.25" (107.9 mm)

Note 3: Measuring instructions for non refurbished brakes can be found in the ABS Component Maintenance Manual with

Illustrated Parts List AP-652 (Fokker Manual No. 32-43-77) or in ABS Service Bulletin Fo100-32-35. ABS Service Bulletin Fo100-

32-35 does not contain measurement information relative to brake P/N's 5008132-2 and -3.

TABLE 2

Brake P/N	Maximum settings—refurbished brakes	
	Maximum wearpin measurement (inch/mm)	Alternate wear measurement (inch/mm)
5008132-2	1.85" (47 mm)	4.00" (101.6 mm)
5008132-3	1.85" (47 mm)	4.00" (101.6 mm)
5008132-4	2.20" (55.9 mm)	4.35" (110.5 mm)
5008132-5	2.20" (55.9 mm)	4.35" (110.5 mm)
5008132-6	2.20" (55.9 mm)	4.35" (110.5 mm)
5008132-7	2.20" (55.9 mm)	4.35" (110.5 mm)

Note 4: Refurbished brakes will have "R11-3" etched on the brake housing adjacent to the shuttle valve.

Note 5: Measuring instructions for refurbished brakes can be found in the ABS Component Maintenance Manual with Illustrated Parts List AP-652 (Fokker Manual No. 32-43-77) or in ABS Service Bulletin Fo100-32-38.

(2) For brakes on which a heat stack kit having an "R" after the part number (i.e., 5010322-2R; also called "short stacks") have

been installed: Operators must use the maximum wear pin length which is based on the measured wear of the thinnest disk in the stack and is specified on the Airworthiness Tag that accompanies each heat stack kit (i.e., for airplanes equipped with brakes having short stacks installed, do not use either the standard maximum wear pin measurements or the alternate brake wear measurements specified in either Table 1 or Table 2 of this AD to determine brake wear.)

(b) Within 180 days after the effective date of this AD, incorporate the maximum brake

wear pin limits specified in paragraphs (b)(1) and (b)(2) of this AD, as applicable, into the FAA-approved maintenance program and comply with these measurements thereafter. If any brake has measured wear beyond the maximum wear limits specified in those paragraphs, prior to further flight, replace it with a brake that is within the wear limits specified in the applicable paragraph.

(1) For Model F28 Mark 0100 and 0070 series airplanes:

TABLE 3

Brake unit part No.	Maximum settings—non-refurbished brakes (original equipment manufacturer)		
	Maximum wear pin measurement	Alternate brake wear measurement	Measure in accordance with aircraft braking systems (ABS) component maintenance manual with illustrated parts list (CMM w/IPL) number
5008132-2	1.85" (47 mm)	4.00" (101.6 mm)	CMM w/IPL AP-652 (32-43-77)
5008132-3	1.85" (47 mm)	4.00" (101.6 mm)	CMM w/IPL AP-652 (32-43-77)
5008132-4	2.10" (53.3 mm)	4.25" (107.9 mm)	CMM w/IPL AP-652 (32-43-77)
5008132-5	2.10" (53.3 mm)	4.25" (107.9 mm)	CMM w/IPL AP-652 (32-43-77)
5008132-6	2.10" (53.3 mm)	4.25" (107.9 mm)	CMM w/IPL AP-652 (32-43-77)
5008132-7	2.10" (53.3 mm)	4.25" (107.9 mm)	CMM w/IPL AP-652 (32-43-77)
5008132-8	2.20" (55.9 mm)	4.35" (110.5 mm)	CMM w/IPL AP-652 (32-43-77)

TABLE 4

Brake unit part number	Maximum settings—refurbished brakes (R11-3 on brake housing)		
	Maximum wear pin measurement	Alternate brake wear measurement	Measure in accordance with aircraft braking systems (ABS) component maintenance manual with illustrated parts list (CMM w/IPL) number
5008132-2	1.85" (47 mm)	4.00" (101.6 mm)	CMM w/IPL AP-652(32-43-77)
5008132-3	1.85" (47 mm)	4.00" (101.6 mm)	CMM w/IPL AP-652 (32-43-77)
5008132-4	2.20" (55.9 mm)	4.35" (110.5 mm)	CMM w/IPL AP-652 (32-43-77)
5008132-5	2.20" (55.9 mm)	4.35" (110.5 mm)	CMM w/IPL AP-652 (32-43-77)
5008132-6	2.20" (55.9 mm)	4.35" (110.5 mm)	CMM w/IPL AP-652 (32-43-77)
5008132-7	2.20" (55.9 mm)	4.35" (110.5 mm)	CMM w/IPL AP-652 (32-43-77)
5008132-8	2.20" (55.9 mm)	4.35" (110.5 mm)	CMM w/IPL AP-652 (32-43-77)

(2) For Model F28 Mark 0100 and 0070 series airplanes equipped a brake unit having P/N 5011809, A5011809, or B5011809: The maximum wear pin measurement is 2.50" (63.5 mm), with an alternate brake wear measurement of 4.35" (110.5 mm). The measurement shall be done in accordance with Aircraft Braking Systems (ABS) Component Maintenance Manual (CMM) with Illustrated Parts List (IPL) AP-747 (32-43-65).

(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, Standardization Branch, ANM-113, FAA, Transport 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, Standardization Branch, ANM-113.

Note 6: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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.

(e) This amendment becomes effective on August 1, 1996.

Issued in Renton, Washington, on June 19, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-16242 Filed 6-26-96; 8:45 am]

BILLING CODE 4910-13-U

FEDERAL TRADE COMMISSION

16 CFR Part 409

Trade Regulation Rule Concerning the Incandescent Lamp (Light Bulb) Industry

AGENCY: Federal Trade Commission.

ACTION: Repeal of rule.

SUMMARY: The Federal Trade Commission ("Commission" or "FTC") announces the repeal of the Trade Regulation Rule Concerning the Incandescent Lamp (Light Bulb) Industry ("Light Bulb Rule" or "Rule"). The Commission has reviewed the rulemaking record and determined that, because of more comprehensive lamp labeling rules that the Commission promulgated in 1994 under the Energy Policy and Conservation Act, as amended by the Energy Policy Act of 1992, and current industry light bulb marking practices, the Light Bulb Rule is no longer necessary or in the public interest. This notice contains a Statement of Basis and Purpose for repealing the Light Bulb Rule.

EFFECTIVE DATE: June 27, 1996.

FOR FURTHER INFORMATION CONTACT: Kent C. Howerton, Attorney, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, Room S-4302, 601 Pennsylvania Avenue, NW, Washington, DC 20580, telephone (202) 326-3013.

SUPPLEMENTARY INFORMATION:

Statement of Basis and Purpose

I. Background

The Commission undertook this rulemaking proceeding as part of the Commission's ongoing program of evaluating rules and guides to determine their effectiveness, impact, cost, and need. This proceeding also responds to President Clinton's National Regulatory Reinvention Initiative, which, among other things, urges agencies to eliminate obsolete or unnecessary regulations.

A. Light Bulb Rule

The Commission promulgated the Light Bulb Rule on July 23, 1970, following a public rulemaking proceeding.¹ The Light Bulb Rule

became effective on January 25, 1971. It applies only to non-reflector general service incandescent electric lamps (commonly referred to as "light bulbs").²

In summary, the Light Bulb Rule declares it is an unfair method of competition and an unfair and deceptive act or practice, in connection with the sale of general service incandescent light bulbs, to:

(1) fail to disclose clearly and conspicuously on the containers of such light bulbs (or, if there are no containers, on the bulbs themselves) their average initial wattage, average initial lumens, and average laboratory life, 16 CFR 409.1(a)-(b) (1996);

(2) fail to disclose clearly and conspicuously on the bulbs themselves their average initial wattage and design voltage, *Id.* at 409.1(b) (1996);³

(3) represent or imply that savings in light bulb cost or the cost of light output will result from the use of a particular light bulb product because of the bulb's life or light output unless, in computing such savings, the following factors are taken into account and disclosed clearly and conspicuously for the light bulb being sold and the bulb with

² The Light Bulb Rule defines "general service incandescent lamps" as all medium screw base incandescent electric lamps, 15-watt through 150-watt, 115-volt through 130-volt. The term includes lamps in the customary "A" type and other bulb shapes included in Interim Federal Specification W-L-00101G, and lamps that are produced in generally comparable bulb shapes for sale in competition with other general service incandescent lamps. The rule specifically excludes lamps designed and promoted primarily for decorative applications, appliances, traffic signals, showcases, projectors, airport equipment, trains, and lamps such as color, flood, reflector, rough service, and vibration service. 16 CFR 409.1 note 3 (1996). The lamp products covered by the Light Bulb Rule commonly are referred to as "light bulbs." The term "lamp products," on the other hand, refers more broadly to lighting products in general. In this notice, the term "light bulb" refers only to those lamp products covered by the Light Bulb Rule.

³ In the Light Bulb Rule SBP, the Commission explained that industry stressed the need to maintain a prominent wattage disclosure on incandescent light bulbs because the use of excess wattage in fixtures is unsafe and because consumers were accustomed to buying on the basis of wattage. 35 FR at 11786.

¹ Final Rule and Statement of Basis and Purpose ("Light Bulb Rule SBP"), 35 FR 11784 (1970).