

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 99-NM-161-AD.

Applicability: Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87) series airplanes; Model MD-90-30 series airplanes; and MD-88 airplanes; manufacturer's fuselage numbers 995 through 2243 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, 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 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 ensure that insulation blankets constructed of metallized polyethyleneterephthalate (MPET) are removed from the fuselage, accomplish the following:

Inspection

(a) Within 4 years after the effective date of this AD, determine whether, and at what locations, insulation blankets constructed of MPET are installed. This determination shall be made in a manner approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note 2: Insulation blankets that are stamped with "DMS 2072, Type 2, Class 1, Grade A" or "DMS 1996, Type 1" are constructed of MPET.

Corrective Actions

(b) For insulation blankets that are determined not to be constructed of MPET, no further action is required by this AD.

(c) For insulation blankets that are determined to be constructed of MPET, within 4 years after the effective date of this AD, replace the MPET insulation blankets with new insulation blankets. The replacement procedures shall be done in accordance with the Accomplishment Instructions of McDonnell Douglas Service Bulletin MD-90-25-015, Revision 01, dated November 5, 1997 (for Model MD-90-30 series airplanes); or McDonnell Douglas Service Bulletin MD80-25-355, Revision 01, dated November 5, 1997 (for Model DC-9-80 series airplanes and Model MD-88 airplanes); as applicable. The replacement insulation blankets must be constructed of materials tested in accordance with Standard Test Method American Society for Testing and Materials (ASTM) E648 and approved by the Manager, Los Angeles ACO.

Note 3: Although this paragraph allows up to 4 years for the required replacement, the FAA anticipates that operators will comply at the earliest practicable maintenance opportunity.

Note 4: Only one of the two metallized Tedlar covers specified in the service bulletins has been shown to have successfully passed the testing of the ASTM flammability standard and is considered acceptable for compliance with the requirements of paragraph (c) of this AD.

Spares

(d) As of the effective date of this AD, no person shall install an MPET insulation blanket on any airplane.

Alternative Methods of Compliance

(e) 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, Los Angeles Aircraft Certification Office (ACO), 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, Los Angeles ACO.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(f) 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 November 10, 1999.

D. L. Riffin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-30057 Filed 11-16-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 99-NM-162-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model DC-10-30 and -30F Series Airplanes, and Model MD-11 and -11F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain McDonnell

Douglas Model DC-10-30 and -30F series airplanes, and Model MD-11 and -11F series airplanes, that would have required that a determination be made of whether, and at what locations, metallized polyethyleneterephthalate (MPET) insulation blankets are installed, and replacement of MPET insulation blankets with new insulation blankets. That proposal was prompted by reports of in-flight and ground fires on certain airplanes manufactured with insulation blankets covered with MPET, which may contribute to the spread of a fire when ignition occurs from small ignition sources such as electrical arcing or sparking. This new action revises the proposed rule by expanding the applicability of the proposed rule to include additional airplanes. The actions specified by this new proposed AD are intended to ensure that insulation blankets constructed of MPET are removed from the fuselage. Such insulation blankets could propagate a small fire that is the result of an otherwise harmless electrical arc and could lead to a much larger fire.

DATES: Comments must be received by December 13, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-162-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Robert Stacho, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5334; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99-NM-162-AD." The postcard will be date stamped and returned to the commenter.

Comments submitted to the notice of proposed rulemaking (NPRM) published in the **Federal Register** on August 12, 1999 (64 FR 43966), do not need to be re-submitted and will be considered along with any comments received to the supplemental NPRM.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-162-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-10-30 and -30F series airplanes, and Model MD-11 and -11F series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on August 12, 1999 (64 FR 677631). That NPRM would have required that a determination be made of whether, and at what locations, metallized polyethyleneterephthalate (MPET) insulation blankets are

installed, and replacement of MPET insulation blankets with new insulation blankets. That NPRM was prompted by reports of in-flight and ground fires on certain airplanes manufactured with insulation blankets covered with MPET, which may contribute to the spread of a fire when ignition occurs from small ignition sources such as electrical arcing or sparking. That condition, if not corrected, could propagate a small fire that is the result of an otherwise harmless electrical arc and could lead to a much larger fire.

Actions Since Issuance of Previous Proposal

The applicability of the NPRM was based on the FAA's understanding that, as part of the transition from manufacturing McDonnell Douglas Model DC-10-30 and -330F series airplanes to Model MD-11 series airplanes, only the last few Model DC-10-30 and -330F series airplanes (manufacturer's fuselage numbers 440 through 446 inclusive) that were manufactured had MPET insulation blankets installed. (MPET was the original approved material for the insulation blankets installed on Model MD-11 and -311F series airplanes.)

Since the issuance of that NPRM, investigations [conducted by FAA, Boeing, operators, and the United States Air Force (USAF)] revealed that MPET insulation blankets have been installed on Model DC-10-30 and -330F series airplanes [including KC-10A (military) series airplanes] as early as May 1981. The majority of these airplanes that were manufactured from 1981 through 1987 were KC-10A (military) series airplanes. However, it is not possible to determine the exact manufacturer's fuselage numbers of these airplanes. Based on the date that the MPET covering material was first approved by the manufacturer and the time that was necessary to produce blankets for insulation, the FAA has determined that Model DC-10-30 and DC-10-30F series airplanes manufactured after May 1981 (i.e., manufacturer's fuselage numbers 359 through 439 inclusive) could have MPET insulation blankets installed. The FAA finds that the subject model airplanes having serial numbers 359 through 439 inclusive, are subject to the addressed unsafe condition.

Therefore, the FAA has revised the applicability statement of the supplemental NPRM from "* * * manufacturer's fuselage numbers 440 through 632 inclusive; certificated in any category" to "* * * manufacturer's fuselage numbers 359 through 632 inclusive; certificated in any category."

Conclusion

Since this change expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Regulatory Evaluation Summary

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.

The FAA conducted a Preliminary Cost Analysis and Initial Regulatory Flexibility Analysis to determine the regulatory impacts of this and one other proposed AD to operators of all 781 U.S.-registered McDonnell Douglas airplanes that have thermal/acoustical insulation blankets covered with a film of MPET. This analysis is included in Rules Docket No.'s 99-NM-162-AD and 99-NM-161-AD. The FAA has determined that 61 Model MD-11 and -11F series airplanes and 73 Model DC-10-30 and -30F series airplanes operated by 10 entities would be affected by this proposed AD.

Three entities operate Model MD-11 and -11F series airplanes, and 4 entities operate both Model MD-11 and -11F series airplanes and Model DC-10-30 and -30F series airplanes.

The Preliminary Cost Analysis and Initial Regulatory Flexibility Analysis, completed by the FAA and included in the Rules Docket, estimates that the affected airplanes could be retrofitted with thermal/acoustic insulation blankets covered with film that exhibit no flame propagation when tested in accordance with the requirements of ASTM E648 or FAA-approved equivalent. Testing conducted by the FAA indicates that there are films that are currently in use that meet the test standard required by this proposed AD. These include certain polyvinylfluoride films that weigh no more than the materials they would replace. The FAA has identified three categories of costs associated with the retrofit: (1) Material costs of the blankets; (2) labor costs to remove existing blankets, install new blankets, and reinstall wiring, panels, floors, and other items; and (3) net lost revenues, or out of service costs. Over the four-year compliance period, material costs would total \$6.7 million,

labor costs would be \$83.0 million, and net lost revenues would be \$13.7 million. Total costs would be \$103.4 million, or \$87.4 million discounted to present value at seven percent.

The Regulatory Flexibility Act (RFA) of 1980 establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the size of the business, organizations, and governmental jurisdictions subject to regulation. To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the Agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

Two entities affected by the proposed AD are considered small. This entity has revenues in excess of \$100 million. Two entities are not considered a substantial number of small entities by Small Business Administration criteria. Pursuant to the RFA, 5 U.S.C. 605(b), the FAA certifies that this proposed AD would not have a significant economic impact on a substantial number of small entities.

The provisions of this proposed AD would have little or no impact on trade for U.S. firms doing business in foreign countries and foreign firms doing business in the United States.

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104-4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more

(adjusted annually for inflation) in any one year. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed "significant intergovernmental mandate." A "significant intergovernmental mandate" under the Act is any provision in a Federal agency regulation that would impose an enforceable duty upon State, local, and tribal governments, in the aggregate, of \$100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

This proposed AD does not contain any Federal intergovernmental or private sector mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

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:

McDonnell Douglas: Docket 99-NM-162-AD.

Applicability: Model DC-10-30 and -30F series airplanes, and Model MD-11 and -11F series airplanes; manufacturer's fuselage numbers 359 through 632 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, 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 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 ensure that insulation blankets constructed of metallized polyethyleneterephthalate (MPET) are removed from the fuselage, accomplish the following:

Inspection

(a) Within 4 years after the effective date of this AD, determine whether, and at what locations, insulation blankets constructed of MPET are installed. This determination shall be made in a manner approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note 2: Insulation blankets that are stamped with "DMS 2072, Type 2, Class 1, Grade A" or "DMS 1996, Type 1" are constructed of MPET.

Corrective Actions

(b) For insulation blankets that are determined not to be constructed of MPET, no further action is required by this AD.

(c) For insulation blankets that are determined to be constructed of MPET, within 4 years after the effective date of this AD, replace the MPET insulation blankets with new insulation blankets. The replacement procedures shall be done in accordance with the Accomplishment Instructions of McDonnell Douglas Service Bulletin DC10-25-368, dated October 31, 1997 (for Model DC-10-30 and -30F series airplanes); or McDonnell Douglas Service Bulletin MD11-25-200, Revision 01, dated March 20, 1998 (for Model MD-11 and -11F series airplanes); as applicable. The replacement insulation blankets must be constructed of materials tested in accordance with Standard Test Method American Society for Testing and Materials (ASTM) E648 and approved by the Manager, Los Angeles ACO.

Note 3: Although this paragraph allows up to 4 years for the required replacement, the FAA anticipates that operators will comply at the earliest practicable maintenance opportunity.

Note 4: Only one of the two metallized Tedlar covers specified in the service bulletins has been shown to have successfully passed the testing of the ASTM flammability standard and is considered acceptable for compliance with the requirements of paragraph (c) of this AD.

Spares

(d) As of the effective date of this AD, no person shall install an MPET insulation blanket on any airplane.

Alternative Methods of Compliance

(e) 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, Los Angeles Aircraft Certification Office (ACO), 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, Los Angeles ACO.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(f) 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 November 10, 1999.

D.L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-30058 Filed 11-16-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

RIN 1515-AC36

Forced or Indentured Child Labor

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to provide for the seizure and forfeiture of merchandise that is found to be a prohibited importation under applicable Customs law concerning products of convict labor, forced labor, or indentured labor under penal sanctions. Furthermore, this document proposes to amend the Customs Regulations to make clear that nothing in those regulations precludes Customs from seizing for forfeiture merchandise imported in violation of applicable Federal criminal law dealing with prison-labor goods. The proposed amendments are intended to stop illegal shipments of products of forced or indentured child labor and to punish violators.

DATES: Comments must be received on or before January 18, 2000.

ADDRESSES: Written comments may be addressed to and inspected at the Regulations Branch, U.S. Customs Service, 1300 Pennsylvania Avenue, NW, 3rd Floor, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Glen E. Vereb, Office of Regulations and Rulings, 202-927-2320.

SUPPLEMENTARY INFORMATION:

Background

Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307), generally prohibits the importation of goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions. Such prohibitions are enforced by Customs under §§ 12.42-12.44 of the Customs Regulations (19 CFR 12.42-12.44).

If Customs finds, on the basis of information presented and investigated under the procedures described in § 12.42(a)-(e), that a class of merchandise is subject to the prohibition under section 307, the Commissioner of Customs, with the approval of the Secretary of the Treasury, will publish a finding to this effect in the weekly issue of the Customs Bulletin and in the **Federal Register**, as prescribed in § 12.42(f).

Under § 12.43, an importer is afforded the opportunity to furnish proof within 3 months after importation in order to establish the admissibility of particular imported merchandise detained by Customs under § 12.42(e) or covered by a finding under § 12.42(f), that the particular merchandise being imported is not itself produced with the use of a type of labor specified in section 307.

Section 12.44 deals with the disposition of merchandise determined to be inadmissible under section 307. Currently, § 12.44 provides in pertinent part that such merchandise (1) may be exported at any time within the 3-month period after importation or (2) if not so exported and if no proof of admissibility has been provided, the importer is advised in writing that the merchandise is excluded from entry and, 60 days thereafter, the merchandise is deemed abandoned and will be destroyed unless a protest is filed under 19 U.S.C. 1514.

Forced or Indentured Child Labor

A general provision in the Fiscal Year (FY) 1998 Treasury Appropriations Act made clear what is implicit in the law: that merchandise manufactured with the use of forced or indentured child labor falls within the prohibition of section 1307. This Act requires that Customs not use any of the appropriation to permit the importation into the United States of such merchandise.

Following the enactment of the FY 1998 appropriations amendment regarding forced or indentured child

labor, both the Treasury Department and the National Economic Council chaired in-depth interagency discussions aimed at strengthening the capability of the Executive Branch to enforce the prohibition on forced or indentured child labor imports.

To this end, the Treasury Department, by a document published in the **Federal Register** on June 5, 1998 (63 FR 30813), proposed the establishment of a Treasury Advisory Committee on International Child Labor Enforcement, whose ultimate purpose is to support a vigorous law enforcement initiative to stop illegal shipments of products of forced or indentured child labor and to punish violators.

Proposed Amendment

Accordingly, as part of the foregoing initiative, Customs proposes to amend § 12.44 regarding the disposition to be accorded merchandise that is a prohibited importation under section 307.

Specifically, under the proposed amendment, in the case of merchandise covered by a finding under § 12.42(f), if the Commissioner of Customs advises the port director that the proof furnished under § 12.43 does not establish the admissibility of a particular importation of such merchandise, or if no proof is furnished in this regard, the merchandise will then be seized and subject to the commencement of forfeiture proceedings under subpart E of part 162 of the Customs Regulations (19 CFR part 162, subpart E). Currently, such merchandise is permitted to be exported at any time before it is deemed to have been abandoned.

Also, Customs further proposes to amend § 12.44 to state expressly that nothing in the Customs Regulations (19 CFR Chapter I) precludes Customs from seizing for forfeiture merchandise imported in violation of applicable Federal criminal law (18 U.S.C. 1761-1762) dealing with prison-labor goods.

Comments

Before adopting this proposal as a final rule, consideration will be given to any written comments that are timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Branch, U.S. Customs Service, 1300 Pennsylvania