(1) The Airplane Flight Manual for airplanes that comply with paragraph (a)(1) or (a)(2) of this section, or

(2) The Airplane Flight Manual or in the manual required by § 121.133 for airplanes that comply with paragraph (a)(3) of this section.

(d) Procedures for operation of the airframe ice protection system must include initial activation, operation after initial activation, and deactivation. Procedures for operation after initial activation of the ice protection system must address—

(1) Continuous operation,

(2) Automatic cycling,

(3) Manual cycling if the airplane is equipped with an ice detection system that alerts the flightcrew each time the ice protection system must be cycled, or

(4) Manual cycling based on a time interval if the airplane type is not equipped with features necessary to implement paragraphs (d)(1) through (3) of this section.

(e) System installations used to comply with paragraphs (a)(1) or (a)(2) of this section must be approved through an amended or supplemental type certificate in accordance with part 21 of this chapter.

Issued in Washington, DC, on November 16, 2009.

John W. McGraw,

Acting Director, Flight Standards Service.

[FR Doc. E9–28036 Filed 11–20–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121 and 135

[Docket No. 28081]

RIN 2120–AI93 (Formerly 2120–AF63)

Flight Crewmember Duty Period Limitations, Flight Time Limitations and Rest Requirements; Withdrawal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); withdrawal.

SUMMARY: The FAA is withdrawing a previously published NPRM that proposed to establish one set of duty period limitations, flight time limitations, and rest requirements for flight crewmembers engaged in air transportation. The NPRM also proposed to establish consistent and clear duty period limitations, flight time limitations, and rest requirements for domestic, flag, supplemental, commuter and on-demand operations. We are withdrawing the NPRM because it is outdated and because of the many significant issues commenters raised. The FAA intends to issue a new NPRM to address flight, duty, and rest.

DATES: The proposed rule published on December 20, 1995 (60 FR 65951), is withdrawn as of November 23, 2009.

FOR FURTHER INFORMATION CONTACT: Dale E. Roberts, Air Transportation Division (AFS–200), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–5749; *e-mail: dale.e.roberts@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

In June 1992 the FAA announced the tasking of the Aviation Rulemaking Advisory Committee (ARAC) Flight Crewmember Flight/Duty Rest Requirements working group.[1] The tasking followed the FAA's receipt of hundreds of letters about the interpretation of existing rest requirements and several petitions to amend existing regulations. The working group was tasked to determine if regulations on air carrier flight, duty, and rest requirements were being consistently interpreted; to evaluate industry compliance and practice on scheduling of reserve duty and rest periods; and to evaluate reports of excessive pilot fatigue related to such scheduling. While the working group could not reach consensus, they submitted a final report in June 1994 with proposals from several working group members.

Following receipt of the ARAC's report, the FAA published the 1995 NPRM.[2] The proposed rule was based on proposals from the ARAC working group, the petitions for rulemaking from the industry and others, National Transportation Safety Board (NTSB) recommendations, and existing knowledge of fatigue, including research by the National Aeronautics and Space Administration (NASA). Subsequently, and in response to requests from the industry, the FAA extended the comment period closing date and answered clarifying questions to the NPRM in a 1996 notice published in the **Federal Register.**[3]

The NPRM included proposals for a 14-hour duty day for two-pilot operations; a 10-hour flight time limit; two options for reserve and standby duty; a 32-hour in 7 days limit on flight time; and a 10-hour rest period. It also included provisions for tail end ferry flights (conducted under part 91) under the proposed duty period and flight time limits.

Discussion of Comments

The FAA received over 2,000 comments to the NPRM. Although some commenters, including the NTSB, NASA, Air Line Pilots Association, and Allied Pilots Association, said the proposal would enhance safety, the same commenters had specific objections. For example, the pilot unions objected to the proposed increase in allowed flight time. These commenters also said the proposal should have included special duty and flight time limits for disruptions in circadian rhythm and for operations with multiple takeoffs and landings.

Many industry associations opposed the NPRM, stating the FAA lacked safety data to justify the rulemaking, and industry compliance would impose significant costs. The reserve duty time provisions generated the most controversy. Overwhelmingly, air carrier associations and operators strongly criticized these provisions, asserting that they had no safety basis and were extremely costly.

Subsequent Fatigue Mitigation Efforts

Given the significant issues the NPRM raised, particularly about reserve time, the FAA tasked[4] ARAC in 1998 to make recommendations on reserve time for all types of air carrier operations. ARAC held a series of public meetings across the country to seek a broad cross-section of views. While the exchange helped in identifying issues that needed to be resolved before issuing a final rule, in the end, ARAC was unable to reach consensus. The FAA had stated in the NPRM that if the proposal on reserve time was not adopted, the agency would undertake rigorous enforcement of existing flight, duty, and rest rules. Consequently, in a June 1999 notice of enforcement policy,[5] the FAA informed the industry that the agency would conduct inspections to ensure compliance with current rules. Those inspections began in December 1999. After publication of this notice, the FAA received several requests for interpretation of various provisions of the rules. We responded to these requests in a second notice of

[1] 57 FR 26685; June 15, 1992.

[2] Flight Crewmember Duty Period Limitations, Flight Time Limitations and Rest Requirements notice of proposed rulemaking (60 FR 65951; December 20, 1995).

[3] 61 FR 11492; March 20, 1996.

[4] 63 FR 37167; July 9, 1998.

[5] Flight Crewmember Flight Time Limitations and Rest Requirements notice of enforcement policy (64 FR 32176; June 15, 1999).

enforcement policy [6] published in the **Federal Register** in May 2001.

Since 2001, the agency has undertaken other fatigue mitigation efforts. Among these efforts was the Part 125/135 Aviation Rulemaking Committee (ARC),[7] which we convened in February 2003, to do a comprehensive regulatory review of 14 CFR parts 125 and 135. This review included rules on flight, duty, and rest. The ARC submitted its recommendations in September 2005. Also, in June 2008, we held an Aviation Fatigue Management Symposium [8] that provided the industry with the latest information on fatigue science, mitigation, and management. Currently, the agency is developing an Advisory Circular on fatigue that incorporates information from the Symposium. Additionally, in June 2009, the FAA chartered the Flight and Duty Time Limitations and Rest Requirements ARC [9] comprised of labor, industry, and FAA representatives to develop recommendations for an FAA rule based on current fatigue science and a thorough review of international approaches to the issue.

Reason for Withdrawal

The FAA is withdrawing the 1995 Flight Crewmember Duty Period Limitations, Flight Time Limitations and Rest Requirements NPRM because it is outdated and because it raised many significant issues that the agency needed to consider before proceeding with a final rule. Instead of adopting the provisions of the 1995 NPRM, the FAA intends to develop a new NPRM later this year that considers the Flight and Duty Time Limitations and Rest Requirements ARC recommendations, scientific research, NTSB recommendations on fatigue and flight duty time, and the recommendations of the Part 125/135 ARC.

Conclusion

The FAA is withdrawing the December 1995 NPRM for the reasons stated in this notice and will issue a new proposed rule to address flight, duty, and rest. We will provide the opportunity for comment on the new rulemaking through the NPRM process.

[6] 66 FR 27548; May 17, 2001.

[7] 68 FR 5488; February 3, 2003 (*See also* 67 FR 42323; July 17, 2003).

[8] *See www.faa.gov/about/office%5Forg/headquarters%5Foffices/avs/offices/afs/afs200/* for the Symposium proceedings.

[9] See *http://www.faa.gov/about/office%5Forg/headquarters%5Foffices/avs/offices/afs/afs200/* for the ARC Charter.

Issued in Washington, DC, on November 17, 2009.

Chester D. Dalbey,

Deputy Director, Flight Standards Service.

[FR Doc. E9–28054 Filed 11–20–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 501

[Docket No. FDA–2009–N–0025]

RIN 0910–AG02

Animal Food Labeling; Declaration of Certifiable Color Additives

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its regulations regarding the declaration of certified color additives on the labels of animal food including animal feeds and pet foods. FDA is proposing this amendment in response to the Nutrition Labeling and Education Act of 1990 (the 1990 amendments), which amended the Federal Food, Drug, and Cosmetic Act (the act) by requiring, among other things, the listing on food labels of the common or usual names of all color additives required to be certified by FDA. An additional purpose of this amendment is to make these regulations consistent with the regulations regarding the declaration of certified color additives on the labels of human food. The proposed rule also suggests appropriate terminology for the declaration of certification-exempt color additives on the labels of animal food.

DATES: Submit written or electronic comments on the proposed rule by February 22, 2010. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 by December 23, 2009, (see the ''Paperwork Reduction Act of 1995'' section of this document).

ADDRESSES: You may submit comments, identified by Docket No. FDA–2009–N–0025 and/or RIN number 0910–AG02, by any of the following methods, except that comments on information collection issues under the Paperwork Reduction Act of 1995 must be submitted to the Office of Regulatory Affairs, Office of Management and Budget (OMB) (see the ''Paperwork Reduction Act of 1995'' section of this document).

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.

Written Submissions

Submit written submissions in the following ways:

- FAX: 301–827–6870.
- Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions]: Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

To ensure more timely processing of comments, FDA is no longer accepting comments submitted to the agency by e-mail. FDA encourages you to continue to submit electronic comments by using the Federal eRulemaking Portal, as described previously, in the **ADDRESSES** portion of this document under *Electronic Submissions*.

Instructions: All submissions received must include the agency name and Docket No(s). and Regulatory Information Number (RIN) (if a RIN number has been assigned) for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov*, including any personal information provided. For additional information on submitting comments, see the ''Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number(s), found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: John P. Machado, Center for Veterinary Medicine (HFV–228), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–453–6854; e-mail: *john.machado@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Before passage of the 1990 amendments, the act provided that colorings could be declared collectively on food product labels using the term ''colorings.'' However, the 1990 amendments amended section 403(i) of the act (21 U.S.C. 343(i)) to require that certified color additives be declared by their common or usual names and not be designated by the term ''colorings.'' As a result of this change in the statute, each certified color additive (e.g., FD&C