

any category; installed on, but not limited to, airplanes manufactured by Airbus, ATR, BAE Systems (Type Certificate previously held by British Aerospace), Boeing, Bombardier (Type Certificate previously held by Canadair, De Havilland Canada), Cessna, Dassault, EADS CASA, EMBRAER, Gulfstream, Hawker Beechcraft (Type Certificate previously held by Raytheon, Beech), Israel Aircraft Industries (IAI), McDonnell Douglas, Piaggio, Pilatus, Piper and SOCATA.

#### (d) Subject

Air Transport Association (ATA) of America Code 35: Oxygen.

#### (e) Reason

This AD was prompted by a report of a malfunctioning mask having an inflatable harness with a high premature rupture rate due to defective silicon. We are issuing this AD to detect and correct defective harnesses which could lead, in case of a sudden depressurization event, to a harness rupture, thereby providing inadequate protection against hypoxia and possibly resulting in unconsciousness of the affected flightcrew member and consequent reduced control of the airplane.

#### (f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

#### (g) Inspection

(1) Except as provided by paragraph (i) of this AD: Within 24 months after the effective date of this AD, inspect the inflatable harness fitted to each flight crew oxygen mask regulator to determine if the inflatable harness is installed with a part number (P/N) and a batch number identified in Appendix I of Intertechnique Service Bulletin MXH-35-240, Revision 7, dated September 1, 2011 (for all airplanes other than Bombardier airplanes); or Appendix I of Intertechnique Service Bulletin MXH-35-241, Revision 2, dated May 19, 2011 (for Bombardier airplanes).

(2) Referring only to Appendix II of Intertechnique Service Bulletin MXH-35-240, Revision 7, dated September 1, 2011 (for all airplanes other than Bombardier airplanes); or Appendix II of Intertechnique Service Bulletin MXH-35-241, Revision 2, dated May 19, 2011 (for Bombardier airplanes); to identify a specific oxygen mask regulator is insufficient to demonstrate that the inflatable harness fitted to that oxygen mask regulator is not listed in Appendix I of Intertechnique Service Bulletin MXH-35-240, Revision 7, dated September 1, 2011; or Appendix I of Intertechnique Service Bulletin MXH-35-241, Revision 2, dated May 19, 2011.

#### (h) Replacement

If during the inspection required by paragraph (g)(1) of this AD, an inflatable harness has a part number and batch number identified in Appendix I of Intertechnique Service Bulletin MXH-35-240, Revision 7, dated September 1, 2011 (for all airplanes other than Bombardier airplanes); or

Appendix I of Intertechnique Service Bulletin MXH-35-241, Revision 2, dated May 19, 2011 (for Bombardier airplanes): Before further flight, replace the inflatable harness with a new or re-identified harness, in accordance with the Accomplishment Instructions of Intertechnique Service Bulletin MXH-35-240, Revision 7, dated September 1, 2011 (for all airplanes other than Bombardier airplanes); or Intertechnique Service Bulletin MXH-35-241, Revision 2, dated May 19, 2011 (for Bombardier airplanes).

#### (i) Exception

Oxygen mask regulators having a date of manufacturing (DMF) code of November 2008 (112008 or 11-08) or earlier, and those with a DMF of January 2011 (012011 or 01-11) or later, are excluded from the inspection and replacement requirements of paragraphs (g) and (h) of this AD, provided it can be demonstrated that the inflatable harness has not been replaced on those masks. A review of airplane delivery or maintenance records is acceptable to make the determination as specified in this paragraph if the part number, batch number, and DMF can be conclusively determined from that review.

#### (j) Definition

For the purpose of this AD, Bombardier airplanes include airplanes previously manufactured by Canadair or by De Havilland Canada.

#### (k) Parts Installation Prohibition

As of the effective date of this AD, no person may install a flight crew oxygen mask regulator having a part number and batch number on the inflatable harness that is found in Appendix I of Intertechnique Service Bulletin MXH-35-240, Revision 7, dated September 1, 2011 (for all airplanes other than Bombardier airplanes); or Intertechnique Service Bulletin MXH-35-241, Revision 2, dated May 19, 2011 (for Bombardier airplanes) on any airplane.

#### (l) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using a service bulletin specified in paragraph (l)(1), (l)(2), or (l)(3) of this AD:

- (1) Intertechnique Service Bulletin MXH-35-240, Revision 6, dated August 16, 2011.
- (2) Intertechnique Service Bulletin MXH-35-240, Revision 5, dated July 26, 2011.
- (3) Intertechnique Service Bulletin MXH-35-240, Revision 4, dated June 10, 2011.

#### (m) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, Boston Aircraft Certification Office (ACO) ANE-150, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Caspar Wang, Aerospace Engineer, Boston Aircraft

Certification Office (ACO) ANE-150, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: (781) 238-7799; fax: (781) 238-7170. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product*: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

#### (n) Related Information

(1) Refer to MCAI EASA Airworthiness Directive 2011-0090R1, dated July 13, 2011, and the service information specified in paragraphs (n)(1)(i) and (n)(1)(ii) of this AD, for related information.

(i) Intertechnique Service Bulletin MXH-35-240, Revision 7, dated September 1, 2011.

(ii) Intertechnique Service Bulletin MXH-35-241, Revision 2, dated May 19, 2011.

(2) For service information identified in this AD, contact Intertechnique Aircraft Systems, 61 Rue Pierre Curie BP 1, 78373 Plaisir Cedex—France; telephone: (33) 1 61 34 12 32; fax: (33) 1 64 86 69 84; email: [yann.laine@zodiac aerospace.com](mailto:yann.laine@zodiac aerospace.com); Internet: [www.zodiac aerospace.com](http://www.zodiac aerospace.com). You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on October 15, 2012.

**John P. Piccola,**

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

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 73

[Docket No. FDA-2004-C-0559 (Formerly Docket No. 2004C-0078)]

### Cryovac North America; Withdrawal of Color Additive Petition

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

**ACTION:** Notice of withdrawal.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a color additive petition (CAP 4C0276) proposing that the color

additive regulations be amended to provide for the safe use of synthetic iron oxide as a color additive in or on cooked meat products.

**FOR FURTHER INFORMATION CONTACT:**

Ellen Anderson, Center for Food Safety and Applied Nutrition (HFS-265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740-3835, 240-402-1309.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of February 27, 2004 (69 FR 9340), FDA announced that a color additive petition (CAP 4C0276) had been filed by Cryovac North America, c/o Keller and Heckman LLP, 1001 G St. NW., Suite 500 West, Washington, DC 20001. The petition proposed to amend the color additive regulations in 21 CFR part 73 *Listing of Color Additives Exempt From Certification* to provide for the safe use of synthetic iron oxide as a color additive in or on cooked meat products. Cryovac North America has now withdrawn the petition without prejudice to a future filing (21 CFR 71.6(c)(2)).

Dated: October 19, 2012.

**Dennis M. Keefe,**

*Director, Office of Food Additive Safety,  
Center for Food Safety and Applied Nutrition.*

[FR Doc. 2012-26242 Filed 10-24-12; 8:45 am]

**BILLING CODE 4160-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2012-0721; FRL-9745-3]

#### Finding of Substantial Inadequacy of Implementation Plan; Call for California State Implementation Plan Revision; South Coast; Reopening of Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** EPA is reopening the public comment period for a proposal published in the **Federal Register** on September 19, 2012. In that action, in response to a remand by the Ninth Circuit Court of Appeals, and pursuant to the Clean Air Act, EPA proposed to find that the California State Implementation Plan (SIP) for the Los Angeles-South Coast Air Basin (South Coast) is substantially inadequate to comply with the obligation to adopt and implement a plan providing for attainment of the 1-hour ozone standard. If EPA finalizes this proposed

finding of substantial inadequacy as proposed, California would be required revise its SIP to correct these deficiencies within 12 months of the effective date of our final rule. Two commentors requested an extension of the comment period for this proposed rulemaking. EPA is now reopening the public comment period.

**DATES:** The comment period for the proposed rule published on September 19, 2012 (77 FR 58072) is reopened. Comments must be received on or before November 8, 2012.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2012-0721, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Email:* [tax.wienke@epa.gov](mailto:tax.wienke@epa.gov).
- *Mail or deliver:* Wienke Tax, Air Planning Office, U.S. Environmental Protection Agency, Region 9, Mailcode AIR-2, 75 Hawthorne Street, San Francisco, California 94105-3901.

*Instructions:* All comments will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or email. The <http://www.regulations.gov> Web site is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

*Docket:* The index to the docket for this action is available electronically on the <http://www.regulations.gov> Web site and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business

hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section below.

**FOR FURTHER INFORMATION CONTACT:**

Wienke Tax, Air Planning Office, U.S. Environmental Protection Agency, Region 9, Mail Code AIR-2, 75 Hawthorne Street, San Francisco, California 94105-3901, 415-947-4192, [tax.wienke@epa.gov](mailto:tax.wienke@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA published a proposed rule on September 19, 2012 (77 FR 58072). In that action, in response to a remand by the Ninth Circuit Court of Appeals, and pursuant to the Clean Air Act, EPA proposed to find that the California State Implementation Plan (SIP) for the Los Angeles-South Coast Air Basin (South Coast) is substantially inadequate to comply with the obligation to adopt and implement a plan providing for attainment of the 1-hour ozone standard. If the action is finalized as proposed, California would be required revise its SIP to correct these deficiencies within 12 months of the effective date of our final rule. Written comments on the proposed rule were to be submitted to EPA on or before October 19, 2012. Two commentors requested an extension of the comment period for this proposed rulemaking. EPA is now reopening the public comment period for the September 19, 2012, 1-hour ozone SIP call for California for the South Coast area proposed rulemaking for fourteen days.

Dated: October 17, 2012.

**Jared Blumenfeld,**

*Regional Administrator, EPA Region 9.*

[FR Doc. 2012-26286 Filed 10-24-12; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R01-OAR-2012-0290; FRL-9744-1]

#### Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; New Hampshire; Redesignation of the Southern New Hampshire 1997 8-Hour Ozone Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve: the State of New Hampshire's request to redesignate the Boston-Manchester-Portsmouth (SE), New Hampshire moderate 8-hour ozone nonattainment