

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, 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 adding the following new airworthiness directive:

99-10-13 Boeing: Amendment 39-11166. Docket 99-NM-97-AD.

Applicability: Model 737-300, -400, -500, -600, -700, and -800 series airplanes, certificated in any category; equipped with Vickers combined stabilizer trim motors.

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 prevent failure of the trailing edge flap limit switch, which could result in uncommanded (nose down) stabilizer trim motion and reduced controllability of the airplane, accomplish the following:

Inspections and Tests

(a) Perform a special detailed inspection and functional test to verify proper operation of the S245 trailing edge flap limit switch, in accordance with the applicable Boeing Alert Service Bulletin 737-27A1227 (for Model 737-300, -400, and -500 series airplanes) or 737-27A1228 (for Model 737-600, -700, and -800 series airplanes), both dated April 8, 1999; as applicable; at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) For airplanes that have accumulated less than 1,000 total flight hours as of the effective date of this AD: Inspect and test prior to the accumulation of 1,000 total flight hours, or within 10 days after the effective date of this AD, whichever occurs later.

Repeat the inspection and test thereafter at intervals not to exceed 300 flight hours, until accomplishment of paragraph (c) of this AD.

(2) For airplanes that have accumulated 1,000 or more total flight hours as of the effective date of this AD: Inspect and test within 5 days after the effective date of this AD. Repeat the inspection and test thereafter at intervals not to exceed 300 flight hours, until accomplishment of paragraph (c) of this AD.

Note 2: Any inspection and test of the S245 trailing edge flap limit switch accomplished prior to the effective date of this AD in accordance with the Accomplishment Instructions of either Boeing Alert Service Bulletin 737-27A1227 (for Model 737-300, -400, and -500 series airplanes) or 737-27A1228 (for Model 737-600, -700, and -800 series airplanes), both dated April 8, 1999, as applicable, is considered acceptable for compliance with the initial inspection and test specified in paragraph (a) of this AD.

Corrective Action

(b) If any malfunction is detected during any inspection and test required by paragraph (a) of this AD, prior to further flight, replace the existing limit switch with a new limit switch in accordance with the Boeing Alert Service Bulletin 737-27A1227 (for Model 737-300, -400, and -500 series airplanes) or 737-27A1228 (for Model 737-600, -700, and -800 series airplanes), both dated April 8, 1999, as applicable. Repeat the inspection and test thereafter at intervals not to exceed 300 flight hours, until accomplishment of paragraph (c) of this AD.

(c) Within 3 months after the effective date of this AD: Incorporate an improved design of the stabilizer control system in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Incorporation of an improved design, as required by this paragraph, constitutes terminating action for the repetitive inspection and test requirements of this AD.

Reporting Requirement

(d) Within 10 days after accomplishing the inspection and test required by paragraph (a) of this AD, submit a report of the inspection and test results (positive findings of malfunctioning only) to the Manager, Seattle ACO, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, 98055-4056. The report must include the inspection results, the airplane serial number, and the total number of landings and flight hours on the airplane. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add

comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle 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.

Incorporation by Reference

(g) Except as provided by paragraph (c) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 737-27A1227, dated April 8, 1999; or Boeing Alert Service Bulletin 737-27A1228, dated April 8, 1999; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on May 27, 1999.

Issued in Renton, Washington, on May 4, 1999.

D.L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-11783 Filed 5-11-99; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 178**

[Docket No. 98F-0797]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to expand the safe use of 5,7-bis(1,1-dimethylethyl)-3-hydroxy-2(3H)-benzofuranone, reaction products with *o*-xylene as an antioxidant and/or stabilizer for propylene polymers and copolymers intended for use in contact with food. This action is in response to a petition filed by Ciba Specialty Chemicals Corp.

DATES: The regulation is effective May 12, 1999. Submit written objections and requests for a hearing by June 11, 1999.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 24, 1998 (63 FR 51074), FDA announced that a food additive petition (FAP 8B4625) had been filed by Ciba Specialty Chemicals Corp., 540 White Plains Rd., Tarrytown, NY 10591-9005. The petition proposed to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the expanded safe use of 5,7-bis(1,1-dimethylethyl)-3-hydroxy-2(3H)-benzofuranone, reaction products with *o*-xylene as an antioxidant and/or stabilizer for olefin polymers intended for use in contact with food. Upon further review, FDA has determined that the petition proposed to expand the safe use of this additive for use in polypropylene polymers and copolymers only.

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that: (1) The proposed use of the additive as an antioxidant and/or stabilizer in olefin polymers intended for use in contact with food is safe, and (2) the additive will have the intended technical effect. Therefore, the regulations in § 178.2010 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this rule as announced in the notice of filing for the petition. No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time on or before June 11, 1999, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall

include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging. Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 178.2010 is amended in the table in paragraph (b), in the entry for 5,7-bis(1,1-dimethylethyl)-3-hydroxy-2(3H)-benzofuranone, reaction products with *o*-xylene by revising entry "2" under the headings "Substances" and "Limitations" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *
(b) * * *

Substances	Limitations
<p style="text-align: center;">* * *</p> <p>5,7-Bis(1,1-dimethylethyl)-3-hydroxy-2(3H)-benzofuranone, reaction products with <i>o</i>-xylene (CAS Reg. No. 181314-48-7).</p> <p style="text-align: center;">* * *</p>	<p style="text-align: center;">* * *</p> <p>For use only:</p> <p>2. At levels not to exceed 0.02 percent by weight of:</p> <p>(a) Propylene polymers and copolymers complying with § 177.1520(c) of this chapter, items 1.1, 1.2, 3.1a, 3.2a, 3.2b, 3.4, or 3.5. The finished polymer may only be used in contact with food of types identified in § 176.170(c) of this chapter, Table 1, under Categories III, IV-A, V, VI-C, VII-A, and IX, and under conditions of use B through H described in Table 2 of § 176.170(c) of this chapter; or</p> <p>(b) Ethylene polymers and copolymers complying with § 177.1520(c) of this chapter, items 2.1, 2.2, 2.3, 3.1a, 3.1b, 3.2a, or 3.6 (where the density of each of these polymers is at least 0.94 gram per cubic centimeter), or 5. The finished polymers may only be used in contact with food of the types identified in § 176.170(c) of this chapter, Table 1, under Categories III, IV-A, V, VI-C, VII-A, and IX, and under conditions of use B through H described in Table 2 of § 176.170(c) of this chapter; provided that the finished food-contact articles have a volume of at least 18.9 liters (5 gallons).</p> <p style="text-align: center;">* * *</p>

Dated: May 3, 1999.
L. Robert Lake,
Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.
 [FR Doc. 99-11899 Filed 5-11-99; 8:45 am]
 BILLING CODE 4160-01-F

DEPARTMENT OF STATE

22 CFR Part 171
 [Public Notice 3053]

Access to Information—Executive Order 12958, “Classified National Security Information,” Provisions

AGENCY: Department of State.
ACTION: Final rule.

SUMMARY: The Department of State is amending its regulations on classified national security information. The rule describes how members of the public, government employees or agencies may obtain access to information in Department of State classified records and how such requests are processed. The rule also explains the appeals process available to requestors in the event a request for the declassification of information in Department of State classified records is denied.

EFFECTIVE DATE: May 12, 1999.
FOR FURTHER INFORMATION CONTACT: Questions regarding mandatory declassification review or other aspects of Executive Order 12958 may be addressed to Margaret P. Grafeld, Director, Office of IRM Programs and Services, Room 1239, Department of

State, 2201 C Street, NW, Washington, DC 20520-1239. Telephone: 292/647-6620; FAX: 202/647-5159.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in 61 FR 148 July 31, 1996 p. 39927 inviting interested persons to submit comment concerning the proposed regulations implementing Executive Order 12958 of April 17, 1995. Executive Order 12958 prescribes a uniform system for classifying, safeguarding, and declassifying national security information. No comments were received. Section 5.6 (C) (2) of Executive Order 12958 requires agencies that originate or handle classified information to publish in the **Federal Register** implementing regulations that affect members of the public. Accordingly, the Department of State is revising 22 CFR, part 171 subpart C, §§ 171.20 through 171.26 to bring these rules into conformity with Executive Order 12958. Covered under this revision are definitions, access to records, processing requests and appeals. The rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. In addition, the rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980. The rule is exempt from review under Executive Order 12866, but has been reviewed internally by the Department to ensure consistency with the objectives thereof.

List of Subjects in 22 CFR Part 171

Administrative practice and procedure, Appeals procedures, Classified information, Conflict of interests, Confidential business information, Freedom of Information, Privacy.

In consideration of the foregoing, amend 22 CFR part 171 as follows:

PART 171—AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC

1. The authority citation for Part 171 continues to read as follows:

Authority: The Freedom of Information Act, 5 U.S.C. 552; the Privacy Act, 5 U.S.C. 552a; the Administrative Procedures Act, 5 U.S.C. 551 *et seq.*; the Ethics in Government Act, 5 U.S.C. App.201; Executive Order 12958, 60 FR 19825; and Executive Order 12600, 52 FR 23781.

2. Subpart C, §§ 171.20 through 171.26, is revised to read as follows:

Subpart C—Executive Order 12958 Provisions

- 171.20 Definitions.
- 171.21 Access to records.
- 171.22 Determination in disputed cases.
- 171.23 Challenges to classification.
- 171.24 Access by historical researchers and former Presidential appointees.
- 171.25 Exemptions.

Subpart C—Executive Order 12958 Provisions

§ 171.20 Definitions.

As used in this subpart, the following definitions shall apply: