

| Actions  | Compliance   | Procedures  |
|--|--|---|
| <p>(1) Inspect the elevator control tabs for discrepancies.</p> <p>(2) If any discrepancies are found during any inspection required in paragraph (f)(1) of this AD, take necessary corrective actions to bring all discrepancies within acceptable tolerances.</p> <p>(3) If, during any inspection required in paragraph (f)(1) of this AD, the total maximum free play of the elevator servo tab and trim tab relative to the elevator exceeds 1.0 degree (this is equal to a maximum displacement of 0.070" at the trailing edge), report the results of the inspection to the FAA. The Office of Management and Budget (OMB) approved the information collection requirements contained in this regulation under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 <i>et seq.</i>) and assigned OMB Control Number 2120-0056.</p> | Initially within the next 50 hours time-in-service (TIS) after the effective date of this AD. Repetitively thereafter inspect at intervals not to exceed 100 hours TIS.  | Following DHC-3 Otter Temporary Revisions No. 18, No. 19, and No. 20, all dated December 5, 2008.   |
|  | Before further flight after any inspection in which discrepancies are found.   | Following DHC-3 Otter Temporary Revisions No. 18, No. 19, and No. 20, all dated December 5, 2008.   |
|  | Within 30 days after the inspection. We are collecting these inspection results for 24 months after the effective date of this AD. The reporting requirements of this AD are no longer required after that time. | Use the form (Figure 1 of this AD) and submit it to FAA, Small Airplane Directorate, Attn: Jim Rutherford, 901 Locust, Room 301, Kansas City, Missouri 64106. |

### DOCKET NO. FAA-2010-1192

Airplane Serial Number:  
Time-in-Service (TIS) of Airplane:  
Airplane Engine Type/Model Number/Serial Number:  
TIS of Airplane When Current Engine was Installed:  
Date When Current Engine was Installed:  
STC Number that Installed Current Engine (if applicable):  
Out of Tolerance Recording:  
Corrective Action Taken:  
Any Additional Information (Optional):  
Name:  
Telephone and/or Email Address:  
Date:

Send report to: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; facsimile: (816) 329-4090; email: [jim.rutherford@faa.gov](mailto:jim.rutherford@faa.gov).

#### Figure 1

#### Alternative Methods of Compliance (AMOCs)

(g)(1) The Manager, New York Aircraft Certification Office (ACO), 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 manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD.

(2) Before using any approved AMOC, notify your Principal Maintenance Inspector or Principal Avionics Inspector, as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

#### Related Information

(h) For more information about this AD, contact George Duckett, Aerospace Engineer, New York ACO, FAA, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590;

telephone: (516) 228-7325; fax: (516) 794-5531; email: [george.duckett@faa.gov](mailto:george.duckett@faa.gov).

(i) To get information about the revisions to the maintenance program identified in this proposed AD, contact Viking Air Ltd., 9574 Hampden Road, Sidney, BC Canada V8L 5V5; telephone: (800) 663-8444; Internet: <http://www.vikingair.com>. You may review copies of the referenced revision at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816-329-4148.

Issued in Kansas City, Missouri, on December 1, 2010.

**Christina L. Marsh,**

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

[FR Doc. 2010-30614 Filed 12-6-10; 8:45 am]

**BILLING CODE 4910-13-P**

### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2010-1190; Directorate Identifier 2010-SW-038-AD]

**RIN 2120-AA64**

#### Airworthiness Directives; Apical Industries Inc. (Apical) Emergency Float Kits

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes adopting a new airworthiness directive (AD) for the Apical emergency float kits installed on certain model helicopters under supplemental type certificates. This proposal would require adding

placards on each side of the fuselage to identify the location and operation of the liferaft external inflation handle. The proposal would also require replacing each liferaft operation placard to state that external liferafts are installed. This proposal is prompted by a report of a helicopter that crashed into the water, and the pilot did not deploy the floats and liferafts. Two external T-handles were available for deployment of the liferafts but were not used by the passengers because they were unaware of their location. The proposed actions are intended to prevent helicopter occupants from further injury due to unnecessary exposure to harsh water conditions and to aid in deploying liferafts when liferafts are available on the helicopter and can be activated after a water landing.

**DATES:** Comments must be received on or before February 7, 2011.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD:

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

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may get the service information identified in this proposed AD from Apical Industries, Inc., 2608 Temple

Heights Drive, Oceanside, California 92056–3512, telephone (760) 724–5300, fax (760) 758–9612.

You may examine the comments to this proposed AD in the AD docket on the Internet at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Venessa Stiger, Aviation Safety Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California 90712–4137, telephone (562) 627–5337, fax (562) 627–5210.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to submit any written data, views, or arguments regarding this proposed AD. Send your comments to the address listed under the caption **ADDRESSES**. Include the docket number “FAA–2010–1190, Directorate Identifier 2010–SW–038–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed rulemaking. Using the search function of our docket web site, you can find and read the comments to any of our dockets, including the name of the individual who sent or signed the comment. You may review the DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

**Examining the Docket**

You may examine the docket that contains the proposed AD, any comments, and other information in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647–5527) is located in Room W12–140 on the ground floor of the West Building at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**Discussion**

This document proposes adopting a new AD for the Apical emergency float kits installed on certain model

helicopters under Supplemental Type Certificate Number SR01535LA, SR01779LA, SR01813LA, SR01855LA, or SR00856LA. This proposal would require adding external placards (one on each side of the fuselage or crosstubes) to identify the location and operation of the liferaft external inflation handle. The proposal would also require replacing each liferaft operation placard to state that external liferafts are installed. This proposal is prompted by a report of a helicopter that crashed into the water, and the pilot did not deploy the floats or the liferafts. Two external T-handles were available for deployment of the liferafts but were not used because the passengers were unaware of their location. This condition, if not corrected, could result in unnecessary injury or loss of life in the event of a helicopter landing in the water.

We have reviewed Apical Alert Service Bulletin No. SB2008–01, Revision A, dated March 3, 2010 (ASB), which describes procedures for installing a Liferaft External Inflation Handle Placard, part number (P/N) 600.0897, onto the crosstube or fuselage of each affected helicopter. The ASB also provides instructions for replacing the previous Liferaft Operation Placard, P/N 634.9703, located “typically above an exit” with a revised version (Revision C) stating that the aircraft is equipped with external liferafts.

This unsafe condition is likely to exist or develop on other helicopters of these same type designs modified with an Emergency Float with a Liferaft Kit pursuant to a supplemental type certificate issued to Apical Industries, Inc. Therefore, for those affected model helicopters, the proposed AD would require installing a Liferaft External Inflation Handle Placard, P/N 600.0897, onto the crosstube or fuselage. Also, the AD would require replacing the Liferaft Operation Placard, P/N 634.9703. The actions would be required to be done by following the ASB described previously.

We estimate that this proposed AD would affect 324 helicopters of U.S. registry, and the proposed actions would take about ½ work hour per helicopter to install 4 or 6 placards at an average labor rate of \$85 per work hour. Required parts would cost about \$70 per helicopter. Based on these figures, we estimate the total cost impact of the proposed AD on U.S. operators to be \$36,450 for the entire fleet.

**Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order

13132. Additionally, this proposed AD would not have a substantial direct effect 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.

*For the reasons discussed above, I certify that the proposed regulation:*

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the 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.

We prepared a draft economic evaluation of the estimated costs to comply with this proposed AD. See the AD docket to examine the draft economic evaluation.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, Section 44701, “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, 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 a new airworthiness directive to read as follows:

**Apical Industries Inc.:** Docket No. FAA–2010–1190; Directorate Identifier 2010–SW–038–AD.

*Applicability:* The helicopter models, certificated in any category, with an

Emergency Float Kit with a part number (P/N) and serial number (S/N), installed by supplemental type certificate (STC), as follows:

| Kit P/N         | Kit S/N             | Affected helicopter model                                  | STC No.   |
|-----------------|---------------------|--|-----------|
| 614.3001 .....  | 080 and below ..... | Bell Helicopter Textron (Bell) 407 .....                   | SR01535LA |
| 614.3003 .....  | 133 and below ..... | Bell 206L, L–1, L–3, and L–4 .....                         | SR01535LA |
| 614.3007 .....  | 014 and below ..... | Bell 206A and B .....                                      | SR01535LA |
| 614.7601 .....  | 045 and below ..... | Bell 210, 212, 412, 412CF, 412EP, AB412, and AB412EP ..... | SR01779LA |
| 634.2901 .....  | 012 and below ..... | Bell 427 .....   | SR01813LA |
| 644.1801 .....  | 031 and below ..... | Eurocopter Deutschland GmbH (Eurocopter) EC135 .....       | SR01855LA |
| 20430–300 ..... | 009 and below ..... | Eurocopter BO–105A, C, S, LS A–1 and LS A–3 .....          | SR00856LA |

*Compliance:* Within 180 days, unless accomplished previously.

To install placards to aid in locating and deploying liferafts to prevent further injury or loss of life in the event of a helicopter landing in the water, do the following:

(a) Install the Liferaft External Inflation Handle Placard, P/N 600.0897, shown in Figure 1 of Apical Industries Inc. Alert Service Bulletin SB2008–01, Revision A, dated March 3, 2010 (ASB), on the crosstubes or fuselage near the external T–Handles, as shown for two model helicopters in Figures 2 and 3, by following the Accomplishment Instructions, 1.0, paragraphs 1 through 5, of the ASB.

(b) Remove the Liferaft Operation Placard, P/N 634.9703, Revision N/C through B, as shown in Figure 4 of the ASB, and install Liferaft Operation Placard, P/N 634.9703, Revision C, as shown in Figure 5, above all aircraft exits, inside the aircraft in plain view.

(c) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Los Angeles Aircraft Certification Office, FAA, *Attn:* Venessa Stiger, Aviation Safety Engineer, 3960 Paramount Blvd., Lakewood, California 90712–4137, telephone (562) 627–5337, fax (562) 627–5210, for information about previously approved alternative methods of compliance.

(d) The Joint Aircraft System/Component (JASC) Codes are 2564: Liferaft and 3212: Emergency Flotation Section.

Issued in Fort Worth, Texas, on November 22, 2010.

**Lance T. Gant,**

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2010–30616 Filed 12–6–10; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 1141

[Docket No. FDA–2010–N–0568]

RIN 0910–AG41

#### Required Warnings for Cigarette Packages and Advertisements; Research Report

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

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that it has added a document to the docket for the proposed rulemaking concerning required textual warnings and accompanying graphics to be displayed on cigarette packages and in cigarette advertisements. The document is a report entitled “Report: Experimental Study of Graphic Cigarette Warning Labels” (Experimental Study Report) and it describes the results from a research study that quantitatively evaluated the relative impact of certain color graphics on consumer attitudes, beliefs, perceptions, and intended behaviors related to cigarette smoking. The purpose of this notice is to provide the public an opportunity to review and comment on the Experimental Study Report.

**DATES:** Interested persons may submit either electronic or written comments by January 11, 2011.

**ADDRESSES:** You may submit comments, identified by Docket No. FDA–2010–N–0568, by any of the following methods:

#### 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.

*Instructions:* All submissions received must include the agency name and docket number and Regulatory Information Number (RIN). 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, 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:** Gerie Voss or Kristin Davis, Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850–3229, 877–287–1373, [gerie.voss@fda.hhs.gov](mailto:gerie.voss@fda.hhs.gov) or [kristin.davis@fda.hhs.gov](mailto:kristin.davis@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) was enacted on June 22, 2009, amending the Federal Food, Drug, and Cosmetic Act and the Federal Cigarette Labeling and Advertising Act (FCLAA), and providing FDA with the authority to regulate tobacco products (Pub. L. 111–31; 123 Stat. 1776). Section 201 of the Tobacco Control Act modifies section 4