

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 (c) 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 prior to further flight after the effective date of this AD, unless already accomplished.

To prevent cracks from forming in the fan shaft extension flange and subsequent structural failure of this area because of counterbores with excessive depth, accomplish the following:

(a) Replace the fan shaft extension with one that incorporates Modification No. B2/MOD/047 in accordance with FL Aerospace Lovaux Modification Leaflet No. B2/MOD/047, dated August 31, 1994. This modification is referenced in FLS Aerospace Lovaux Mandatory Service Bulletin No. B2/MSB/006, Issue: 1, dated August 22, 1994.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Division, Europe, Africa, Middle East office, FAA, c/o American Embassy, 1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Division.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Division.

(d) The replacement required by this AD shall be done in accordance with FL Aerospace Lovaux Modification Leaflet No. B2/MOD/047, dated August 31, 1994. 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 FLS Aerospace (Lovaux) Ltd., Bournemouth International Airport, Christchurch, Dorset BH23 6NW, England. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39-9865) becomes effective on January 13, 1997.

Issued in Kansas City, Missouri, on December 16, 1996.

Michael Gallagher,  
Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-32436 Filed 12-26-96; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 96-ANE-27; Amendment 39-9855; AD 96-25-12]

RIN 2120-AA64

#### Airworthiness Directives; Sundstrand T-62T-40C Series Auxiliary Power Units

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to Sundstrand T-62T-40C series auxiliary power units (APUs). This action requires removal from service of certain compressor wheels in accordance with a drawdown schedule, and replacement with serviceable parts, and establishes a new cyclic life limit for the existing compressor wheels. This amendment is prompted by reports of compressor wheel ruptures. The actions specified in this AD are intended to prevent compressor wheel rupture, which could result in an uncontained APU failure and damage to the aircraft.

**DATES:** Effective January 13, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 13, 1997.

Comments for inclusion in the Rules Docket must be received on or before February 25, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-ANE-27, 12 New England Executive Park, Burlington, MA 01803-5299.

The service information referenced in this AD may be obtained from Sundstrand Aerospace, 4400 Ruffin Rd., P.O. Box 85757, San Diego, CA 92186-5757; telephone (619) 627-6303, fax (619) 627-6473. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

Robert Baitoo, Aerospace Engineer, Los

Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712-4137; telephone (310) 627-5245; fax (310) 627-5210.

**SUPPLEMENTARY INFORMATION:** The Federal Aviation Administration (FAA) has received three reports of compressor wheels, installed on Sundstrand T-62T-40C series auxiliary power units (APUs), that ruptured prior to the published cyclic life limit. Of the three ruptures, two were uncontained. The investigation revealed that the compressor wheels ruptured due to low cycle fatigue. This condition, if not corrected, could result in compressor wheel rupture, which could result in an uncontained APU failure and damage to the aircraft.

The FAA has reviewed and approved the technical contents of Sundstrand Aerospace Service Bulletin (SB) No. SB-T-62T-49-120, Revision 2, dated November 5, 1996, Revision 1, dated September 9, 1996, and Original, dated July 22, 1996, that describe procedures for removal from service of certain compressor wheels in accordance with a drawdown schedule, and replacement with new design serviceable parts, and establishes a new cyclic life limit for existing compressor wheels.

Since an unsafe condition has been identified that is likely to exist or develop on other APUs of the same type design, this AD is being issued to prevent compressor wheel rupture. This AD requires removal from service of certain compressor wheels in accordance with a drawdown schedule, and replacement with serviceable parts, and establishes a new cyclic life limit for existing compressor wheels. The actions are required to be accomplished in accordance with the SB described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All

communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD 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 96-ANE-27." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory

Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

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 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

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

96-25-12 Sundstrand Aerospace: Amendment 39-9855. Docket 96-ANE-27.

*Applicability:* Sundstrand Aerospace Models T-62T-40C series auxiliary power units (APUs), with compressor wheel, Part Numbers (P/Ns) 162690-1, 165111-1, and 167200-1. These APUs are installed on but not limited to Aerospatiale Super Puma, Boeing 707 series, British Aerospace HS 748 series, Cessna 650 series, Convair 650 and 880 series, Dassault Aviation Falcon 20, 50 and 200 series, de Havilland DHC-7 and DHC-8 series, Embraer 120 series, Fokker F .27 series, Gulfstream Aerospace Corporation 159, 1159, and G-III series, Hawker 700 series, Lockheed Jetstar 731 series, Raytheon Corporate Jets, Inc. BAe 125 series, Sabreliner Corporation NA-265 series aircraft.

Note 1: This airworthiness directive (AD) applies to each APU 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 APUs 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 (c) 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 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 compressor wheel rupture, which could result in an uncontained APU failure and damage to the aircraft, accomplish the following:

(a) Remove from service compressor wheels in accordance with the procedures described in the Accomplishment Instructions of Sundstrand Aerospace Service Bulletin (SB) No. SB-T-62T-49-120, Revision 2, dated November 5, 1996, Revision 1, dated September 9, 1996, or Original, dated July 22, 1996, and the drawdown schedule described in Table 2 of Revision 2 only, dated November 5, 1996, and replace with serviceable parts.

(b) This AD establishes a new life limit of 6,000 cycles for existing uninstalled compressor wheels, identified as Sundstrand P/Ns 162690-1, 165111-1, and 167200-1.

(c) 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. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(d) 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 aircraft to a location where the requirements of this AD can be accomplished.

(e) Thereafter, except as provided in paragraphs (c) and (d) of this AD, no alternative replacement time may be approved for compressor wheels, identified as Sundstrand P/Ns 162690-1, 165111-1, and 167200-1.

(f) The actions required by this AD shall be done in accordance with the following Sundstrand Aerospace SBs:

Document No.	Revision	Pages	Date
SB-T-62-T-49-120 .....	2	1-9	Nov. 5, 1996
Total pages: 9.			
SB-T-62-T-49-120 .....	1	1-9	Sept. 9, 1996
Total pages: 9.			
SB-T-62-T-49-120 .....	Original	1-9	July 22, 1996
Total pages: 9.			

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 Sundstrand Aerospace, 4400 Ruffin Rd., P.O. Box 85757, San Diego, CA 92186-5757; telephone (619) 627-6303, fax (619) 627-6473. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on January 13, 1997.

Issued in Burlington, Massachusetts, on December 4, 1996.

James C. Jones,

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 96-32181 Filed 12-26-96; 8:45 am]

BILLING CODE 4910-13-U

## FEDERAL TRADE COMMISSION

### 16 CFR Part 419

#### Trade Regulation Rule Concerning Games of Chance in the Food Retailing and Gasoline Industries

**AGENCY:** Federal Trade Commission.

**ACTION:** Repeal of rule.

**SUMMARY:** The Federal Trade Commission announces the repeal of the Trade Regulation Rule concerning Games of Chance in the Food Retailing and Gasoline Industries. The Commission has reviewed the rulemaking record and determined that due to changes in industry practices, the Rule no longer serves the public interest and should be repealed. This notice contains a Statement of Basis and Purpose for repeal of the Rule.

**EFFECTIVE DATE:** December 26, 1996.

**ADDRESSES:** Requests for copies of the Statement of Basis and Purpose should be sent to Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue N.W., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** John M. Mendenhall, Federal Trade Commission, Cleveland Regional Office, Suite 520A, 668 Euclid Avenue, Cleveland, Ohio 44114, (216) 522-4210.

#### SUPPLEMENTARY INFORMATION:

Statement of Basis and Purpose

##### I. Background

The Commission promulgated the Trade Regulation Rule concerning Games of Chance in the Food Retailing and Gasoline Industries (Games of Chance Rule), 16 CFR Part 419, on August 16, 1969 (34 FR 13302). The

purpose of the Rule was to address abuses that were uncovered during Commission and Congressional investigation into the use of games of chance for promotional purposes in the food retailing and gasoline industries. In both industries, it appeared that the winning game pieces were being distributed in a manner not determined by chance but calculated to have maximum promotional impact. In order to prevent future abuses, the Rule required various pending-game and post-game disclosures, as well as certain procedures for operating a game of chance.

Pending-game disclosures included: (1) The number of prizes in each "category or denomination;" (2) the odds-of-winning each prize; (3) the number of retail outlets participating in the game; (4) the geographic area covered by the game; and (5) the end date. If the game extended beyond 30 days, the Rule required weekly updating of disclosures of the odds-of-winning and the number of prizes. Post-game disclosures included: (1) The list of winners and the amount or value of each prize; (2) the total number of game pieces distributed; (3) the number of prizes in each "category or denomination" that were made available; and (4) the number of prizes actually awarded. Procedural requirements included a hiatus between games; a prohibition against terminating a game prior to distribution of all game pieces; a prohibition against replenishing of game pieces or prizes during a game; and a three-year record-keeping requirement.

The Commission amended the Rule once in 1981. The amendments alleviated some reporting requirements, dropped certain requirements of the "winners list" provision, and shortened the required hiatus between games.<sup>1</sup>

After the 1981 amendments, advertising and broadcasting trade associations filed a petition seeking exemption from the disclosure requirements for broadcast advertising of games. The petition asserted that games of chance could not be advertised in the broadcast media if full disclosures regarding prizes and odds of winning were required. In response to the petition, the Commission granted a temporary exemption from disclosure requirements for broadcast advertising.<sup>2</sup>

In a related action, the Commission issued an Advance Notice of Proposed Rulemaking (ANPR) to request comments about whether the

Commission should make the exemption permanent and whether to revise other aspects of the Rule.<sup>3</sup> The commenters who responded to the ANPR consisted of members of the supermarket, gasoline, advertising, game promotion, and broadcasting industries, and lawyers with experience in representing such industries.

Based upon comments received in response to the ANPR and the staff's analysis, the Commission published its Notice of Proposed Rulemaking (NPR).<sup>4</sup> The major proposals of the NPR were to amend the Rule to: (1) drop certain disclosures in advertising and promotional materials; (2) raise the threshold for winners lists disclosures to prizes of \$50.00 and over; (3) permit replenishment of prize game pieces; and (4) drop the waiting period required between games. In 1995, the Presiding Officer re-opened the record for additional comments, particularly regarding whether there was a continuing need for this Rule.<sup>5</sup>

The Commission received seven comments in response to the NPR and seven in response to the 1995 request for additional comments. These commenters included members of the advertising, broadcasting, game promotion, and game user industries.<sup>6</sup> A number of these commenters urged rescission of the Rule, stating that it discriminated unfairly against certain types of retailers and that there was no record of abuse to justify retaining the Rule.<sup>7</sup> Others urged retention of a modified Rule in order to protect consumers from possible deception.<sup>8</sup> Finally, some commenters stated that if the Commission were to retain the Rule, it should be expanded to include other

<sup>3</sup> 48 FR 265 (Jan. 4, 1983).

<sup>4</sup> 53 FR 39103 (Oct. 5, 1988).

<sup>5</sup> 60 FR 38474 (July 26, 1995).

<sup>6</sup> Those filing comments on the NPR included: The Promotion Marketing Association of America, Inc.; CBS; Leo Burnett Company, Inc.; Association of Retail Marketing Services; Incentive Federation, Inc.; Producers Alliance on Rulemaking; and the Food Marketing Institute. No prospective witness filed a request to testify at a hearing, and the Presiding Officer therefore issued a Notification of Cancellation of Public Hearings and Rebuttal Period. 53 FR 39103 (1988). Parties responding to the 1995 notice re-opening the record included: the Food Marketing Institute; the Minnesota Service Station and Convenience Store Association; the National Association of Broadcasters; the National Association of Convenience Stores; The Promotion Marketing Association of America, Inc.; Society of Independent Gasoline Marketers of America; and Triplex Marketing, Inc.

<sup>7</sup> Those urging rescission included: the Food Marketing Institute; the National Association of Convenience Stores; Society of Independent Gasoline Marketers of America; and The Promotion Marketing Association of America, Inc.

<sup>8</sup> Producer's Alliance on Rulemaking; Triplex Marketing, Inc.; and the Minnesota Service Station and Convenience Store Association.

<sup>1</sup> 16 CFR 419.1(e), -(f) (1995); 46 FR 36840 (July 16, 1981).

<sup>2</sup> 48 FR 1046 (Jan. 10, 1983).