

**Applicability**

(c) This AD applies to the airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) The Boeing Company Model 737-300, -400, and -500 series airplanes, as identified in Boeing Service Bulletin 737-35A1053, Revision 1, dated June 1, 2000.

(2) The Boeing Company Model 737-600, -700, and -800 series airplanes, as identified in Boeing Service Bulletin 737-35A1058, Revision 1, dated June 1, 2000.

**Subject**

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

**Unsafe Condition**

(e) This AD results from reports of low-pressure flex-hoses of the crew oxygen

system that burned through due to inadvertent electrical current from a short circuit in the audio select panel. The Federal Aviation Administration is issuing this AD to prevent inadvertent electrical current, which can cause the low-pressure flex-hoses of the crew oxygen system to melt or burn, resulting in oxygen system leakage and smoke or fire.

**Compliance**

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

**Inspection and Replacement**

(g) Within 36 months after the effective date of this AD, do an inspection to determine whether any low-pressure flex-hose of the crew oxygen system installed

under the oxygen mask stowage box in the flight deck has a part number identified in Table 1 of this AD. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the low-pressure flex-hoses of the crew oxygen system can be conclusively determined from that review.

(1) For any hose having a part number identified in Table 1 of this AD, before further flight, replace the hose with a new or serviceable part, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737-35A1053, Revision 1, dated June 1, 2000; or Boeing Service Bulletin 737-35A1058, Revision 1, dated June 1, 2000; as applicable.

(2) For any hose not having a part number identified in Table 1 of this AD no further action is required by this paragraph.

TABLE 1—APPLICABLE PART NUMBERS

Boeing specification part number	Equivalent Boeing supplier part numbers	
	Puritan Bennett	Hydraflow
10-60174-31 .....	173470-31 .....	37001-31
10-60174-35 .....	173470-35 .....	37001-35
10-60174-46 .....	Not Applicable .....	37001-46
60B50059-99 .....	Not Applicable .....	38001-99
60B50059-124 .....	Not Applicable .....	38001-124

**Parts Installation**

(h) As of the effective date of this AD, no person may install a crew oxygen hose with a part number identified in Table 1 of this AD, on any airplane.

**Actions Accomplished According to Previous Issue of Service Bulletin**

(i) Actions accomplished before the effective date of this AD in accordance with Boeing Alert Service Bulletin 737-35A1053, dated September 2, 1999; or Boeing Alert Service Bulletin 737-35A1058, dated September 2, 1999; as applicable; are considered acceptable for compliance with the corresponding actions specified in this AD.

**Alternative Methods of Compliance (AMOCs)**

(j)(1) The Manager, Seattle 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. Send information to ATTN: Robert Hettman, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM-150S, FAA, Seattle ACO, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6457; fax (425) 917-6590. Or, e-mail information to [9-ANM-Seattle-ACO-AMOC-Requests@faa.gov](mailto:9-ANM-Seattle-ACO-AMOC-Requests@faa.gov).

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District

Office. The AMOC approval letter must specifically reference this AD.

Issued in Renton, Washington, on January 8, 2010.

**Stephen P. Boyd,**

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

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**BILLING CODE 4910-13-P**

**FEDERAL TRADE COMMISSION**

**16 CFR Part 307**

**Request for Comments Concerning Regulations Implementing the Comprehensive Smokeless Tobacco Health Education Act of 1986; Termination of Regulatory Review**

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice of Termination of Regulatory Rule Review.

**SUMMARY:** The Federal Trade Commission (“FTC” or “Commission”) has terminated the regulatory review of its regulations (“smokeless tobacco regulations”), implementing the Comprehensive Smokeless Tobacco Health Education Act of 1986 (“Smokeless Tobacco Act”).

**EFFECTIVE DATE:** December 3, 2009.

**ADDRESSES:** Requests for copies of this notice should be sent to the Consumer Response Center, Room 130, Federal Trade Commission, 600 Pennsylvania

Ave., NW, Washington, DC 20580. The notice also is available on the Internet on the Commission’s Web site, (<http://www.ftc.gov>).

**FOR FURTHER INFORMATION CONTACT:**

Shira Modell, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Ave., NW., Washington, DC 20580, 202-326-3116.

**SUPPLEMENTARY INFORMATION:** In 1986, Congress enacted the Smokeless Tobacco Act, requiring manufacturers, importers, and packagers of smokeless tobacco products to display on a rotating basis one of three statutory health warnings on product packages and in most advertising (other than billboards). The 1986 Smokeless Tobacco Act also directed the FTC to issue implementing regulations governing the format and display of the health warnings. The Commission issued its smokeless tobacco regulations on November 4, 1986.<sup>1</sup> 51 FR 40015. The Smokeless Tobacco Act also directed the FTC to review and approve,

<sup>1</sup> The original regulations exempted utilitarian items such as hats or other personal items. The exemption was challenged, and the Court of Appeals for the District of Columbia ordered the Commission to delete the exemption. *Public Citizen v. FTC*, 869 F. 2d 1541 (D.C. Cir. 1989), *affg*, 688 F. Supp. 667 (D.D.C. 1988). As a result, the Commission amended its regulations to include provisions for the rotation and display of the statutory warnings on utilitarian items. 56 FR 11654 (Mar. 20, 1991).

if appropriate, smokeless tobacco plans specifying how affected companies planned to comply with the rotational warning requirements specified in the Smokeless Tobacco Act and the implementing regulations.

On March 7, 2000, the Commission published a request for public comment on the regulations, 65 FR 11944, as part of its periodic review of its trade regulation rules and guides. The purpose of the review was to determine whether the existing smokeless tobacco regulations continued to meet the goals of the Smokeless Tobacco Act and to provide the protections intended when they were promulgated. The comment period was extended twice in 2000, 65 FR 26534 (May 8, 2000) and 65 FR 60899 (Oct. 13, 2000). The request for comments elicited 39 written responses.<sup>2</sup> Virtually all of the comments supported the continuation of health warnings on smokeless tobacco packages and in advertising. Most comments also recommended that the FTC amend its regulations to require stronger, more effective, and more enforceable health warning requirements. Members of the smokeless tobacco industry recommended against any amendments, stating that the existing regulations effectively served the purpose of the Smokeless Tobacco Act.

On June 22, 2009, President Obama signed into law the Family Smoking Prevention and Tobacco Control Act, Pub. L. No. 111-31, 123 Stat. 1776 (2009) ("Family Smoking Prevention Act"). The Family Smoking Prevention Act, among other things, amends the Smokeless Tobacco Act to require new size, format, and display requirements for the statutory health warnings, and to transfer authority over the review and approval of rotational warning plans to the Secretary of the Department of Health and Human Services ("DHHS"). The Family Smoking Prevention Act also gives the Secretary of the DHHS authority to change the warning statements and to change the size, format, and display requirements of those warnings. The statute specifies that the new warning scheme for smokeless tobacco products will become effective by July 2010.

Given the new statutory size, format, and display requirements, and the transfer of authority over the health warnings to the DHHS, the

Commission's regulatory review has been terminated.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2010-1043 Filed 1-21-10; 8:45 am]

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## FEDERAL TRADE COMMISSION

### 16 CFR Part 307

#### Regulations under the Comprehensive Smokeless Tobacco Health Education Act; Termination of Rulemaking Proceeding

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice of Termination of Rulemaking Proceeding.

**SUMMARY:** The Federal Trade Commission ("FTC" or "Commission") has terminated its rulemaking concerning a proposed amendment to its regulations ("smokeless tobacco regulations"), implementing the Comprehensive Smokeless Tobacco Health Education Act of 1986 ("Smokeless Tobacco Act"). The proposed amendment expressly provided that sponsored racing vehicles and other event-related objects that display the brand name, logo, or selling message of smokeless tobacco products are advertising subject to the Smokeless Tobacco Act and the Commission's implementing regulations. In addition, the proposal set out a method for the display and rotation of the statutory health warnings on the objects subject to the amendment.

**EFFECTIVE DATE:** December 3, 2009.

**ADDRESSES:** Requests for copies of this notice should be sent to the Consumer Response Center, Room 130, Federal Trade Commission, 600 Pennsylvania Ave., NW, Washington, DC 20580. The notice also is available on the Internet on the Commission's Web site, (<http://www.ftc.gov>).

**FOR FURTHER INFORMATION CONTACT:** Shira Modell, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Ave., NW, Washington, DC 20580, 202-326-3116.

**SUPPLEMENTARY INFORMATION:** In 1991, the Coalition on Smoking OR Health petitioned the Commission to enforce the Smokeless Tobacco Act by requiring rotational health warnings on sponsored racing cars, banners, flags, and other event-related objects. On November 4, 1993 (58 FR 58810), the FTC published a Notice of Proposed Rulemaking ("Notice") requesting public comment

on a proposed amendment to the Commission's smokeless tobacco regulations that expressly provided that sponsored racing vehicles and other event-related objects bearing smokeless tobacco brand names, logos, or selling messages are subject to the statutory health warning requirements. The Notice also set out a method for displaying and rotating the health warnings on the objects encompassed by the proposed amendment.

During the public comment period, the Commission received approximately 217 substantive comments, numerous petitions signed by members of specific racing teams, and about 53,000 postcards.<sup>1</sup> Of the substantive comments, 200 opposed the proposed regulations and 17 supported the proposal to require warnings on vehicles and other event-related objects. The race team petitions likewise generally opposed the proposal, and the postcards contained a pre-printed message opposing the proposal.

On June 22, 2009, President Obama signed into law the Family Smoking Prevention and Tobacco Control Act, Pub. L. No. 111-31, 123 Stat. 1776 (2009) ("Family Smoking Prevention Act"). The Family Smoking Prevention Act, among other things, transfers authority over the size, format, and display of the smokeless tobacco health warnings to the Secretary of the Department of Health and Human Services ("DHHS"). Thus, pursuant to the Family Smoking Prevention Act, determinations as to whether and how to display and rotate warnings on various objects or vehicles will be made by DHHS. Further, the Family Smoking Prevention Act directs the DHHS to re-issue its Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents, 61 FR 44615-618 (Aug. 28, 1996). Those regulations would prohibit cigarette and smokeless tobacco manufacturers from sponsoring athletic and entertainment events using brand names, logos, or selling messages.

Given these legislative and likely regulatory changes, the Commission has determined that it would be more appropriate for the DHHS to consider the issues raised in this rulemaking proceeding. Accordingly, the Commission concludes that it is not in

<sup>2</sup> The commenters included Members of Congress, officials at federal, state, and local government health agencies, the largest smokeless tobacco manufacturer, the smokeless tobacco trade association, a manufacturer of cigarettes and smokeless tobacco products, public health organizations, and individuals.

<sup>1</sup> The comments were filed by Members of Congress, a state governor, four manufacturers of smokeless tobacco products, state health agencies, a local chamber of commerce, public health and public interest organizations, representatives of event-related businesses such as arenas, race track owners, team owners, sports sanctioning bodies, sporting event announcers, and racing car drivers, as well as other individuals.