

## Discussion

The manufacturer's original analysis of the HPT 1st to 2nd stage turbine spacer P/N 23058369 low-cycle fatigue life computed a cleared life of 20,000 cycles. When the part number was reanalyzed for low-cycle fatigue life, it was determined that the stress concentration factor in the cooling slots was incorrect and the stresses associated with the forward cooling slots were higher than predicted. The updated analysis indicates that the low-cycle fatigue life limit of P/N 23058369 should be reduced from 20,000 cycles to 9,400 cycles.

Since an unsafe condition has been identified that is likely to exist or develop on other RR AE 3007A and AE 3007C model engines of the same type design, the proposed AD would require removal and replacement of HPT 1st to 2nd stage turbine spacer P/N 23058369 before it reaches its new reduced engine cycle life limit. This condition, if not corrected, could result in HPT 1st to 2nd stage turbine spacer failure, which could result in an uncontained engine failure and damage to the airplane.

## Economic Impact

There are approximately 378 engines of the affected design in the worldwide fleet. The FAA estimates that 300 engines installed on 150 airplanes of U.S. registry would be affected by this proposed AD. It will take approximately 13 work hours per engine to accomplish the removal and replacement of the affected HPT 1st to 2nd stage spacer. The 13 work hours cited include teardown and rebuilding from the module level, but not engine removal. Engines are rarely scheduled off-wing solely for the purpose of replacement of time-expired components. The average labor rate is \$60 per work hour. Required parts will cost approximately \$10,012 per engine. Based on these figures, the FAA estimates the total cost impact of the proposed AD on U.S. operators, to be \$3,237,600. Because most of the fleet field parts are below the new value, special scheduling should not be required.

## Regulatory Impact

This proposed rule does not have federalism implications, as defined in Executive Order 13132, because it 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. Accordingly, the FAA has not consulted

with state authorities prior to publication of this proposed rule.

For the reasons discussed above, I certify that this 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) if promulgated, 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. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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 the following new airworthiness directive:

**Rolls-Royce Corporation:** Docket No. 2000-NE-41-AD.

**Applicability:** This AD is applicable to Rolls-Royce (RR) Corporation (formerly Allison Engine Company) AE 3007A and AE 3007C model engines with high pressure turbine (HPT) 1st to 2nd stage turbine spacer part number (P/N) 23058369 installed. These engines are installed on but not limited to Empresa Brasileira de Aeronautica S.A. (EMBRAER) EMB-145 and Cessna 750 series airplanes.

**Note 1:** This airworthiness directive (AD) applies to each engine 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 engines 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

Compliance with this AD is required as indicated, unless accomplished previously.

To prevent HPT 1st to 2nd stage turbine spacer-failure, which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

### New Reduced Engine Cycle Life Limit

(a) For all RR Corporation AE 3007A and AE 3007C model engines with HPT 1st to 2nd stage turbine spacer, P/N 23058369 installed, remove spacer before reaching the new reduced engine cycle life limit of 9,400 cycles and replace with a serviceable part.

(b) Revise the airworthiness limitations section of the Instruction for Continued Airworthiness, as follows: P/N 23058369=9,400 cycles.

## Alternative Methods of Compliance

(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, Chicago Aircraft Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Chicago Aircraft Certification Office (ACO).

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Chicago ACO.

## Special Flight Permits

(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.

Issued in Burlington, Massachusetts, on February 13, 2001.

**Jay J. Pardee,**

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

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**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 117

[CGD08-01-002]

RIN 2115-AE47

### Drawbridge Operation Regulation; Inner Harbor Navigation Canal, New Orleans, LA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing a change to the regulation governing the operation of the SR 46 (St. Claude Avenue) bridge, mile 0.5 (GIWW mile 6.2 East of Harvey Lock), the SR 39 (Judge Seeber/Claiborne Avenue) bridge, mile 0.9 (GIWW mile 6.7E), and the Florida Avenue bridge, mile 1.7 (GIWW mile 7.5E), across the Inner Harbor Navigation Canal in New Orleans, Orleans Parish, Louisiana. The proposal would codify the historic accommodation with marine interests that allows the bridges to remain closed-to-navigation and open to vehicular traffic during the morning and afternoon rush hours. The proposed regulation would require the bridges to open on signal; except that, from 6:45 a.m. to 8:30 a.m. and from 4:45 p.m. to 6:45 p.m., Monday through Friday, except federal holidays, the draws need not open for the passage of vessels. The draws shall open at any time for a vessel in distress. This change would allow for the uninterrupted flow of commuter traffic while still providing for the reasonable needs of navigation.

**DATES:** Comments and related material must reach the Coast Guard on or before April 23, 2001.

**ADDRESSES:** You may mail comments to Commander (obc), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396, or deliver them to room 1313 at the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The Commander, Eighth Coast Guard District, Bridge Administration Branch maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Bridge Administration Branch, Eighth Coast Guard District between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Frank, Bridge Administration Branch, 504-589-2965.

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD08-01-002), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound

format, no larger than 8½ by 11 inches, suitable for copying. If you would like confirmation of receipt of your comments, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of comments received.

##### **Public Meeting**

We do not now plan to hold a public meeting. You may submit a request for a public meeting by writing to the Commander, Eighth Coast Guard District, Bridge Administration Branch at the address under **ADDRESSES** explaining why a public meeting would be beneficial. If we determine that a public meeting would aid this rulemaking, we will hold one at a time and place to be announced in the **Federal Register**.

##### **Background and Purpose**

To meet the needs of commuters who cross these three bridges in the morning and afternoon en route to and from work in the Lower Ninth Ward area of New Orleans and in St. Bernard Parish, the Coast Guard is proposing to codify the historic accommodation with marine interests that allows the bridges to remain closed-to-navigation and open to vehicular traffic during the morning and afternoon rush hours.

Concerns regarding the ability of vehicular traffic to transit across the Inner Harbor Navigation Canal date back to the 1970's. In June 1976, five New Orleans area legislators, in conjunction with the Dock Board, requested a change in the operating regulations governing their bridges across the Inner Harbor Navigation Canal. The Coast Guard spent many months attempting to reach an amiable resolution to the concerns of both vehicular and marine traffic. In April 1977, the Coast Guard began a test schedule to allow the three bridges to remain closed-to-navigation during the morning and evening while attempting to meet the reasonable needs of navigation.

In August 1977, a second schedule was tested which made some modifications to the original test schedule. No final rule was published following the test period; however, the schedule remained in effect and this schedule continued until 1988.

In 1988, the Louisiana Statute RS 34:28 was amended to require both the St. Claude Avenue and Claiborne Avenue bridges be kept open to vehicular traffic for extended periods during morning and evening rush hours. The Coast Guard objected to the statute stating that the federal government

exercises jurisdiction over the operation of bridges over navigable waters. A subsequent Louisiana Attorney General's opinion on Act 453 of 1988 ruled it to be unconstitutional.

In December 1988, the Dock Board, the Corps of Engineers, a representative from the American Waterways Operators, and the Coast Guard met to discuss the operations of the bridges. It was reiterated that the St. Claude bridge, immediately adjacent to the south lock gate of the lock, was controlled by the operations of the lock. It was determined at this meeting that the lock would schedule a river-to-lake lockage followed immediately by a lake-to-river lockage to encompass the rush hour time frame. Following the meeting, another test schedule for the operation of the bridges was published in the Coast Guard Local Notice to Mariners, the local newspaper and by notice from the Port of New Orleans as follows:

(1). Morning Bridge Operations: 6:45 a.m.-8:15 a.m., Monday through Friday.  
(a). St. Claude Avenue bridge—Closed-to-navigation between 6:45 a.m. and 7 a.m. and remains closed for a continuous one hour period, with the next opening no earlier than 7:45 a.m.;  
(b). Claiborne Avenue bridge—Closed-to-navigation from 6:45 a.m. to 8:15 a.m.;  
(c). Florida Avenue bridge—Open to northbound and southbound navigation traffic during one opening not to exceed 10 minutes between 7 a.m. and 8 a.m.

(2). Afternoon Bridge Operations: 4:30 p.m.-6:30 p.m., Monday through Friday.  
(a). St. Claude Avenue bridge—Closed-to-navigation between 4:45 p.m. and 5:15 p.m. and remains closed for a continuous one hour period, with the next opening no earlier than 5:45 p.m.;  
(b). Claiborne Avenue bridge—Closed-to-navigation from 4:30 p.m. to 6:30 p.m.;  
(c). Florida Avenue bridge—Open to northbound and southbound navigation traffic during one opening not to exceed 10 minutes between 5 p.m. and 6 p.m.

This schedule was to be tested for a three-month period. However, during that three-month period, a vessel allision occurred at the Florida Avenue bridge which made the test invalid. The test was continued past this period and no Special Operation Regulation was ever completed.

In 1994, the Coast Guard wrote a letter to the Dock Board to request a meeting to discuss the operation of the lock and bridges as no official Special Operation Regulations had ever been established for the three bridges. Following the meeting, hours for closure for the St. Claude bridge were extended to 6:45 a.m. to 8:15 a.m. and 4:30 p.m. to 6:30

p.m. and the hours for closure for the Florida Avenue bridge were extended to 6:30 a.m. to 8:30 a.m. and 4:30 p.m. to 6:30 p.m.

Since 1988, our office has received only one complaint from a vehicular user of the St. Claude bridge regarding traffic delays at the bridge. No complaints have been received from waterway users.

During the past several years, although no regulation has ever been established, all parties have accepted the spirit of the "closure".

The Coast Guard wishes to codify the accepted historic practices of these three bridges. Presently, the Inner Harbor Navigation Canal Lock averages 32 lockings per day. During the hours of 6:45 a.m. to 8:15 a.m., vehicular traffic averages between 400 and 600 vehicles westbound and between 100 and 200 vehicles eastbound per 15 minute period on the St. Claude Avenue bridge. During the hours of 4:45 p.m. to 6:15 p.m., vehicular traffic averages between 400 and 500 vehicles eastbound and between 100 and 200 vehicles westbound per 15 minute period on the St. Claude Avenue bridge. The Florida Avenue bridge averages approximately 1100 cars during the entire morning curfew and approximately 800 cars during the entire afternoon curfew period. Traffic counts for the SR 39 (Judge Seeber/Claiborne Avenue) were unavailable; however, Claiborne Avenue is the main artery for traffic between Orleans and St. Bernard Parishes and traffic counts would be expected to be higher on this roadway. The Claiborne Avenue bridge also provides a vertical clearance of 40 feet above mean high water in the closed-to-navigation position, which is significantly greater than the other two bridges.

Another factor to be considered is the relocation of the Industrial Canal Lock. The Corps of Engineers has begun driving test piles to relocate the existing lock. The new lock will be located between the Florida Avenue bridge and the Claiborne Avenue bridge. The Florida Avenue bridge has been declared an obstructive bridge and will be replaced within the next several years. During the relocation of the lock, the St. Claude Avenue bridge will be replaced by a new bridge. A temporary bridge is planned to be constructed while the existing bridge is removed and replaced. The Claiborne Avenue bridge will be modified to increase the elevation of the bridge to maintain the existing vertical clearance of the bridge following the relocation of the lock. The subject closures will help relieve traffic-related congestion resulting from construction. As of this date, only the

Florida Avenue bridge is scheduled to be replaced. No other bridge permit applications have been received by the Coast Guard at this time.

The Coast Guard has reviewed the implications of the proposed regulations and their effect on the marine traffic transiting through this area. The proposed rule would establish the same operation schedules for all three draws to facilitate the flow of vehicular traffic during rush hours while still meeting the reasonable needs of navigation.

Based upon the information provided, the Coast Guard is proposing a change to the regulation governing the operation of the draws of the SR 46 (St. Claude Avenue) bridge, mile 0.5 (GIWW mile 6.2E), the SR 39 (Judge Seeber/Claiborne Avenue) bridge, mile 0.9 (GIWW mile 6.7E), and the Florida Avenue bridge, mile 1.7 (GIWW mile 7.5E), across the Inner Harbor Navigation Canal in New Orleans, Orleans Parish, Louisiana. The proposed regulation would require the bridges to open on signal; except that, from 6:45 a.m. to 8:30 a.m. and from 4:45 p.m. to 6:45 p.m., Monday through Friday, except federal holidays, the draws need not open for the passage of traffic. The draws shall open at any time for a vessel in distress.

#### Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

This proposed rule maintains the existing historically accepted curfews with a minor change allowing the bridge to remain closed-to-navigation an additional 30 minutes.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not

dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following small entities: the owners or operators of vessels intending to transit the Inner Harbor Navigation Canal between mile 0.5 and mile 1.7 during the hours of 6:45 a.m. to 8:30 a.m. and 4:45 p.m. to 6:45 p.m., Monday through Friday except federal holidays.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the Bridge Administration Branch, Eighth Coast Guard District at the address above.

#### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

### Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

### Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2-1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. This proposal will change an existing special drawbridge operating regulation promulgated by a Coast Guard Bridge Administration Program action. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. In § 117.458, paragraphs (a) and (b) are redesignated as paragraphs (b) and (c) and a new paragraph (a) is added to read as follows:

#### § 117.458 Inner Harbor Navigation Canal, New Orleans.

(a) The draws of the SR 46 (St. Claude Avenue) bridge, mile 0.5 (GIWW mile

6.2E), the SR 39 (Judge Seeber/Claiborne Avenue) bridge, mile 0.9 (GIWW mile 6.7E), and the Florida Avenue bridge, mile 1.7 (GIWW mile 7.5E), shall open on signal; except that, from 6:45 a.m. to 8:30 a.m. and from 4:45 p.m. to 6:45 p.m., Monday through Friday, except federal holidays, the draws need not open for the passage of vessels. The draws shall open at any time for a vessel in distress.

\* \* \* \* \*

Dated: February 12, 2001.

**Paul J. Pluta,**

*Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.*

[FR Doc. 01-4331 Filed 2-21-01; 8:45 am]

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

**[DA 01-336; MM Docket No. 01-36, RM-10047]**

#### Radio Broadcasting Services; Jamestown, Alfred, Canaseraga, NY; and DuBois, PA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Vox Allegany, LLC, requesting the substitution of Channel 270B1 for Channel 270A at Jamestown, New York, and the modification of Station WHUG(FM)'s license accordingly. To accommodate the upgrade, petitioner also proposes the substitution of Channel 246A for Channel 270A at Alfred, New York, and the modification of Station WZKZ(FM)'s license accordingly; the substitution of Channel 270A for vacant Channel 246A at Canaseraga, New York; and the modification of the reference coordinates of Station WMOU-FM, Channel 271B, Du Bois, Pennsylvania. Channel 270B1 can be substituted at Jamestown in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.9 kilometers (4.9 miles) south at petitioner's requested site. The coordinates for Channel 270B1 Jamestown are 42-12-40 North Latitude and 79-22-40 West Longitude. See Supplementary Information, *supra*.

**DATES:** Comments must be filed on or before April 2, 2001, reply comments on or before April 17, 2001.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In

addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David G. O'Neil, Esq., 1350 Connecticut Ave., NW., Suite 900, Washington, DC 20036-1701 (Counsel for Petitioner).

#### FOR FURTHER INFORMATION CONTACT:

Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making and Order to Show Cause, MM Docket No. 01-36, adopted January 31, 2001, and released February 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Additionally, Channel 246A can be substituted at Alfred with a site restriction of 7.9 kilometers (4.9 miles) south at Station WZKZ(FM)'s presently authorized site; Channel 270A can be substituted at Canaseraga with a site restriction of 8.8 kilometers (5.5 miles) east at petitioner's requested site; and the reference coordinates for Channel 271B at Du Bois can be modified with a site restriction of 20.3 kilometers (12.6 miles) east at petitioner's requested site. The coordinates for Channel 246A at Alfred are 42-11-25 North Latitude and 77-49-17 West Longitude; the coordinates for Channel 270A at Canaseraga are 42-26-21 North Latitude and 77-40-29 West Longitude; and the coordinates for Channel 271B at Du Bois are 42-11-25 North Latitude and 77-49-17 West Longitude. The allotment of Channel 270B1 at Jamestown will result in a short-spacing to Station CFNY-FM, Channel 271C1, Brampton, Ontario. Therefore, since Jamestown, Alfred, Canaseraga, and Du Bois are located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested, with the allotment at Jamestown being sought as a specially negotiated, short-spaced allotment. In accordance with Section 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest for the use of Channel 270B1 at Jamestown, or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.