

## 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:

#### 2001–19–51 Eurocopter France:

Amendment 39–12508. Docket No. 2001–SW–48–AD.

**Applicability:** Model SA341G, SA342J, and SA–360C helicopters with the following main rotor head torsion tie bar (tie bar), part number (P/N):

341A31–4904–00, –01, –02, –03;

341A31–4933–00, –01; or

360A31–1097–02, or –03;

installed, certificated in any category.

**Note 1:** This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters 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 (d) 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 before further flight, unless accomplished previously.

To prevent failure of a tie bar, loss of a main rotor blade, and subsequent loss of control of the aircraft, accomplish the following:

(a) Remove each tie bar, P/N 341A31–4904–00, –01, –02, or –03; 360A31–1097–02 or –03, from service and replace with an airworthy tie bar, P/N 341A31–4933–00 or 341A31–4933–01.

**Note 2:** Eurocopter France Telex Alert Nos. 01.28 and 01.38, both dated August 7, 2001, pertain to the subject of this AD.

(b) Replace each tie bar, P/N 341A31–4933–00 or 341A31–4933–01, if 20 or more years have elapsed since initial installation on any helicopter, with an airworthy tie bar, P/N 341A31–4933–00 or 341A31–4933–01. If the date of initial installation on any helicopter cannot be determined, use the date of manufacture of the tie bar as the date of initial installation.

(c) This AD revises the limitations section of the maintenance manual by adding a life limit for tie bars, P/N 341A31–4933–00 and 341A31–4933–01, of 20 years from initial installation on any helicopter and retains the existing 5,000 hours time-in-service (TIS) life limit on those tie bars. Tie bars, P/N 341A31–4933–00 and 341A31–4933–01, are to be removed from service when either the years or hours TIS life limit is reached, whichever occurs first. Tie bars, P/N 341A31–4904–00,

–01, –02, and –03, and 360A31–1097–02 and –03, are not approved for installation on any helicopter.

(d) 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, Regulations Group, Rotorcraft Directorate FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

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

(e) Special flight permits will not be issued.

(f) This amendment becomes effective on December 10, 2001, to all persons except those persons to whom it was made immediately effective by Emergency AD 2001–19–51, issued September 21, 2001, which contained the requirements of this amendment.

**Note 4:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France), AD's 2001–374–040(A) and 2001–375–046(A), both dated August 22, 2001.

Issued in Fort Worth, Texas, on November 9, 2001.

**Eric Bries,**

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

[FR Doc. 01–29189 Filed 11–21–01; 8:45 am]

**BILLING CODE 4910–13–U**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 1

**RIN 2125–AE73**

#### Engineering Services

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This document amends the regulation for engineering services by removing a sentence that defined expenditures for the establishment, maintenance, general administration, supervision, and other overhead of the State highway department, or other instrumentality or entity referred to in the regulation, as ineligible for Federal participation. This amendment to the regulation stems from a provision in the Transportation Equity Act for the 21st Century (TEA–21) that changed statutory requirements to allow for eligibility of administrative costs for State transportation departments.

**EFFECTIVE DATE:** This rule is effective December 24, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Max Inman, Federal-aid Financial

Management Division, (202) 366–2853 or Mr. Steve Rochlis, Office of the Chief Counsel, (202) 366–1395, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service (202) 512–1661. Internet users may reach the Office of the Federal Register's homepage at <http://www.nara.gov/fedreg> and the Government Printing Office's database at <http://www.access.gpo.gov/nara>.

##### Background

Prior to the TEA–21 (Pub. L. 105–178, 112 Stat. 107 (1998)), expenditures for the establishment, maintenance, general administration, supervision, and other overhead of the State highway department, or other instrumentality or entity referred to in paragraph (b) of 23 CFR 1.11, were not eligible for Federal participation. Section 302 of title 23, U.S. Code, requires a State to have a functioning transportation department as a condition for receiving Federal-aid highway funds. The FHWA has interpreted this provision, in accordance with legislative intent, to mean that the costs of operating the State transportation department were not eligible for Federal highway funds. This policy was inconsistent with general government policy issued in the Office of Management and Budget (OMB) Circular A–87<sup>1</sup> which allows Federal participation in a State's indirect or overhead costs.

Section 1212 (a) of the TEA–21 amended section 302, clarifying that the requirement to maintain a suitably equipped and organized transportation department did not effect a State's eligibility to be reimbursed for costs (including costs for indirect rates).

The purpose for this statutory change was to provide for a consistent policy for cost reimbursement, specifically among Federal transportation agencies.

Therefore, the FHWA is amending the regulation for engineering services. In 23 CFR 1.11 (a), the first paragraph is amended by removing the last sentence of the paragraph, "Expenditures for the

<sup>1</sup> OMB Circular A–87, Cost Principles for State, Local, and Indian Tribal Governments, is available at the following URL: <http://www.whitehouse.gov/omb/circulars>.

establishment, maintenance, general administration, supervision, and other overhead of the State highway department, or other instrumentality or entity referred to in paragraph (b) of this section shall not be eligible for Federal participation."

#### Discussion of Comments

The Federal Highway Administration did not receive any comments to the docket of the notice of proposed rulemaking published on July 26, 2000, at 65 FR 45941.

#### Rulemaking Analyses and Notices

This final rule makes only minor technical corrections to our existing regulation. The rule amends outdated statutory language that stems from a provision in the Transportation Equity Act for the 21st Century (TEA-21) that changed statutory requirements to allow for eligibility of administrative costs for State transportation departments. As a result of the revised statutory requirements, the FHWA is amending its regulation at 23 CFR 1.11 (a) to reflect that costs of engineering services performed by the State highway department may be eligible for Federal participation to the extent that such costs are directly attributable to specific projects.

#### Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has considered the impact of this action and has determined that it is not a significant rulemaking action within the meaning of Executive Order 12866 or significant within the meaning of the U.S. Department of Transportation regulatory policies and procedures. Since this action merely amends a regulation it is anticipated that its economic impact is minimal, therefore, a full regulatory evaluation is not required.

#### Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601-612), the FHWA has evaluated the effects of this action on small entities. Based on the evaluation and the fact that this rulemaking action merely removes an outdated regulation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

#### Unfunded Mandates Reform Act of 1995

This action does not impose a Federal mandate resulting in the expenditure by State, local, tribal governments, in the aggregate, or by the sector, of \$100

million or more in any year. (2 U.S.C. 1531 *et seq.*)

#### Executive Order 12988 (Civil Justice Reform)

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

#### Executive Order 13045 (Protection of Children)

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

#### Executive Order 12630 (Taking of Private Property)

This rule will 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.

#### Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 dated August 4, 1999, and it has been determined that this action does not have a substantial direct effect or sufficient federalism implications on States that would limit policymaking discretion of the States. Nothing in this document directly preempts any State law or regulation.

#### Executive Order 12372 (Intergovernmental Review)

Catalog of Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.

#### Paperwork Reduction Act

This action does not create a collection of information requirement for the purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

#### National Environmental Policy Act

The FHWA has analyzed this action for the purposes of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) and has determined that it would not have

any effect on the quality of the environment. Therefore, an environmental impact statement is not required.

#### Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this rule under Executive Order 13175, dated November 6, 2000, and believes that the proposed action will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal law. Therefore, a tribal summary impact statement is not required.

#### Executive Order 13211 (Energy Effects)

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a significant energy action under that order because it is not a significant regulatory action under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects under Executive Order 13211 is not required.

#### Regulatory Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

#### List of Subjects in 23 CFR Part 1

Administration, Conflicts of interest, Engineering services, Grant programs-transportation, Highways and roads, Rights-of-way.

Issued on: November 13, 2001.

Mary E. Peters,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA amends, title 23, Code of Federal Regulations, part 1, as set forth below.

#### PART 1—[AMENDED]

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

**Authority:** 23 U.S.C. 315; 49 CFR 1.48 (b).

2. Revise § 1.11 (a) to read as follows:

**§ 1.11 Engineering services.**

(a) *Federal participation.* Costs of engineering services performed by the State highway department or any instrumentality or entity referred to in paragraph (b) of this section may be eligible for Federal participation only to the extent that such costs are directly attributable and properly allocable to specific projects.

\* \* \* \* \*

[FR Doc. 01-29258 Filed 11-21-01; 8:45 am]

BILLING CODE 4910-22-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[FRL-7105-5]

**Approval and Promulgation of Implementation Plans; Texas; Revisions to General Rules and Regulations for Control of Air Pollution by Permits for New Sources and Modifications; Withdrawal of Direct Final Rule**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to receipt of adverse comments, EPA is withdrawing the direct final rule to approve revisions to Texas General Rules and Regulations for Control of Air Pollution by Permits for New Sources and Modifications. In the direct final rule published September 24, 2001 (66 FR 48796), we stated that if we received adverse comment by October 24, 2001, the direct final rule would be withdrawn and would not take effect. The EPA will address all public comments in a subsequent final rule based on the proposed rule also published on September 24, 2001 (66 FR 48850). The EPA subsequently received adverse comments on the direct final rule from Public Citizen and from Lowerre & Kelly, Attorneys at Law.

**DATES:** The Direct final is withdrawn as of November 23, 2001.

**ADDRESSES:** Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

EPA, Region 6, Air Permits Section (6PD-R), 1445 Ross Avenue, Dallas, Texas 75202-2733

TNRCC, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753

**FOR FURTHER INFORMATION CONTACT:**

Stanley M. Spruiell, Air Permits Section at (214) 665-7212 or at [spruiell.stanley@epa.gov](mailto:spruiell.stanley@epa.gov).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon Monoxide, Hydrocarbons, Intergovernmental relations, Lead, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 7, 2001.

**Lawrence E. Starfield,**

*Acting Deputy Regional Administrator, Region 6.*

Accordingly, the amendments to the table in § 52.2270(c) published in the **Federal Register** September 24, 2001 (66 FR 48796) is withdrawn as of November 23, 2001.

[FR Doc. 01-29100 Filed 11-21-01; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****42 CFR Part 130**

RIN 0906-AA56

**Ricky Ray Hemophilia Relief Fund Program**

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Adoption of interim final rule as final rule with amendments.

**SUMMARY:** This document adopts the Ricky Ray Hemophilia Relief Fund Program interim final rule as a final rule with amendments. This final rule facilitates the petitioning process where health care history can be certified by physician assistants as well as by physicians or nurse practitioners; details the procedures by which the Secretary may resolve issues of eligibility or payment raised by a petition; ensures that payments made for the benefit of minors and other individuals who do not have the legal capacity to receive the payments are used for their benefit; and allows additional time for petitioners who are having difficulty obtaining needed medical or legal documentation to complete their petitions.

**DATES:** The regulations published on May 31, 2000 (65 FR 34860), were effective on July 31, 2000, and the amendments made in this final rule are effective November 23, 2001.

**FOR FURTHER INFORMATION CONTACT:** Paul T. Clark, Program Director, Bureau of Health Professions, Health Resources

and Services Administration, (301) 443-2330.

**SUPPLEMENTARY INFORMATION:****Background**

The Ricky Ray Hemophilia Relief Fund Act of 1998 (Public Law 105-369) established the Ricky Ray Hemophilia Relief Fund Program to provide compassionate payments to certain individuals with blood-clotting disorders, such as hemophilia, who were treated with antihemophilic factor between July 1, 1982, and December 31, 1987 and contracted HIV. The Act also provides for payments to certain persons who contracted HIV from the foregoing individuals. The spouse or former spouse of such an individual, who acquired HIV from that individual is eligible for payment, as are children who acquired HIV through perinatal transmission from an eligible parent. In addition to these individuals, certain survivors also are eligible. A lawful spouse is eligible for the payment; if there is no surviving spouse, the payment is to be made in equal shares to all children of the eligible individual. If there are no surviving spouse or children, the parents of the eligible individual will receive the payment. If none of these individuals is living, the money will remain in the Fund. There is no provision for payment to be made to an estate or to any individual beyond those explicitly mentioned in the Act.

In order to receive a payment, either the eligible individual, or someone on behalf of the eligible individual, must file a petition for payment with sufficient documentation to prove that he or she meets the requirements of the statute.

Congress appropriated \$75 million to support the Ricky Ray Hemophilia Relief Fund Program during Fiscal Year (FY) 2000. As a result, we began issuing compassionate payments to eligible individuals in August 2000, in accordance with the procedures prescribed in the interim final rule. Congress has now passed an omnibus appropriations bill for FY 2001 that includes \$580 million for the Ricky Ray Program. The Department anticipates that the combined total of \$655 million for FY 2000 and 2001 is sufficient to make compassionate payments on all eligible petitions.

An interim final rule was published in the **Federal Register** on May 31, 2000 (65 FR 34860), to establish procedures and requirements for medical/legal documentation required to prove eligibility for individuals, a mechanism for providing compassionate payments to eligible individuals under the statute,