

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 53

[Docket No. 01-069-2]

RIN 0579-AB34

#### Foot-and-Mouth Disease Payment of Indemnity; Update of Provisions

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of extension of comment period.

**SUMMARY:** We are extending the comment period for our proposed rule that would amend the regulations pertaining to the control and eradication of foot-and-mouth disease and other serious diseases by making changes to the indemnity provisions primarily related to foot-and-mouth disease. This action will allow interested persons additional time to prepare and submit comments.

**DATES:** We will consider all comments that we receive on or before July 31, 2002.

**ADDRESSES:** You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01-069-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 01-069-1. If you use e-mail, address your comment to [regulations@aphis.usda.gov](mailto:regulations@aphis.usda.gov). Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and "Docket No. 01-069-1" on the subject line.

You may read any comments that we receive on Docket No. 01-069-1 in our reading room. The reading room is located in room 1141 of the USDA

South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mark E. Teachman, Senior Staff Veterinarian, Emergency Programs, VS, APHIS, 4700 River Road Unit 41, Riverdale, MD 20737-1231; (301) 734-8073.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 1, 2002, we published in the **Federal Register** (67 FR 21934-21959, Docket No. 01-069-1) a proposal to amend the regulations pertaining to the control and eradication of foot-and-mouth disease (FMD) and other serious diseases, including for both cooperative programs and extraordinary emergencies. Specifically, we proposed changes in indemnity provisions primarily related to FMD. The proposed changes were prompted, in part, by a review of the regulations in light of the recent series of outbreaks of FMD in the United Kingdom and elsewhere around the world. We believe these changes are necessary to ensure the success of a control and eradication program in the event of an occurrence of FMD in the United States.

Comments on the proposed rule were required to be postmarked, delivered, or e-mailed by July 1, 2002. However, a coalition of animal and agricultural associations has requested that we extend the comment period on Docket No. 01-069-1 to allow additional time for members of the public to review the proposed rule and to submit comments due to the technical nature of certain regulatory changes contained in the proposal. In response to this request, we are extending the comment period on Docket No. 01-069-1 for an additional 30 days. We will consider all comments that we receive on or before July 31, 2002. This action will allow interested

persons additional time to prepare and submit comments.

Done in Washington, DC, this 26th day of June, 2002.

**Bobby R. Acord,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 02-16421 Filed 6-27-02; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-ANE-37-AD]

RIN 2120-AA64

#### Airworthiness Directives; Breeze Eastern Aerospace Rescue Hoists

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

**ACTION:** Supplemental notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This notice reopens an earlier proposed airworthiness directive (AD), applicable to certain Breeze Eastern Aerospace rescue hoists, that would require a one-time inspection of the mounting brackets for cracks, and, if necessary, replacement with serviceable parts. This proposal is prompted by reports of cracked mounting brackets. The actions specified by the proposed AD are intended to prevent mounting bracket cracks, which could result in mounting bracket failure and separation of the rescue hoist from the aircraft.

**DATES:** Comments must be received by July 29, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-ANE-37-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may be inspected at this location, by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: "[9-ane-adcomment@faa.gov](mailto:9-ane-adcomment@faa.gov)." Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in the proposed rule may be obtained from



Breeze Eastern Aerospace, 700 Liberty Avenue, Union, NJ 07083; telephone (908) 686-4000, fax (908) 686-9292. This information may be examined, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

**FOR FURTHER INFORMATION CONTACT:**

Serge Napoleon, Aerospace Engineer, New York Aircraft Certification Office, FAA, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, NY 11581-1200; telephone (516) 256-7512; fax (516) 568-2716.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal 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 98-ANE-37-AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRM's**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-ANE-37-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

**Discussion**

The Federal Aviation Administration (FAA) has received reports of mounting bracket cracks on certain Breeze Eastern Aerospace rescue hoists series BL-

16600, excluding BL-16600-160. An investigation revealed that the cracks were found on the outside radius of these brackets, not along the length of the angle bracket, but in the radial direction, i.e., transverse to the length, compromising their structural integrity. Those cracks resulted from the bending and forming of the brackets during the manufacturing process. The manufacturing process has since been changed. No loss of the rescue hoist nor of rescues have occurred to date. Since the rescue hoist is tied to the airframe through those two support brackets only, their failure could result in the loss of the rescue hoist. This condition, if not corrected, could result in mounting bracket failure and separation of the rescue hoist from the aircraft. The FAA verified that there are no changes to the estimated total cost of the proposed AD on U.S. operators, that was published in the NPRM on December 14, 1998.

**Manufacturer's Service Information**

The FAA has reviewed and approved the technical contents of Breeze Eastern Customer Advisory Bulletin CAB-100-56, dated November 11, 1997, that describes procedures for inspection of the mounting brackets for cracks.

**Proposed Requirements of this AD**

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a one-time inspection of the mounting brackets for cracks, and, if necessary, replacement with serviceable parts. The actions would be required to be done in accordance with the SB described previously.

**Regulatory Analysis**

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:

**Breeze Eastern Aerospace:** Docket No. 98-ANE-37-AD.

**Applicability**

This airworthiness directive (AD) is applicable to Breeze Eastern Aerospace rescue hoists series BL-16600, excluding BL-16600-160. These hoists are installed on, but not limited to Augusta A109, Bell 206, Bell 222, Bell 407, Eurocopter France AS332, McDonnell Douglas MD-500, and Sikorsky S-61 helicopters.

**Note 1:** This AD applies to each hoist 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 hoists 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 (b) 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 already done.

To prevent mounting bracket cracks, which could result in mounting bracket failure and separation of the rescue hoist from the aircraft, do the following:

(a) Before the next usage of the rescue hoist after the effective date of this AD, perform a one-time inspection for mounting bracket cracks, and, if necessary, replace with



serviceable parts, in accordance with Breeze Eastern Aerospace Advisory Bulletin CAB-100-56, dated November 11, 1997.

#### Alternative Methods of Compliance

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

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be done.

Issued in Burlington, Massachusetts, on June 20, 2002.

**Francis A Favara,**

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

[FR Doc. 02-16304 Filed 6-27-02; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-CE-03-AD]

RIN 2120-AA64

#### Airworthiness Directives; Air Tractor, Inc. Models AT-402, AT-402A, AT-402B, AT-602, AT-802, and AT-802A Airplanes

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

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); Reopening of the comment period.

**SUMMARY:** This document proposes to revise an earlier proposed airworthiness directive (AD) that would apply to certain Air Tractor, Inc. (Air Tractor) Model AT-602 airplanes. The earlier NPRM would have required you to repetitively inspect the left hand upper longeron and upper diagonal tube of the fuselage frame for cracks and repair any cracks found. The earlier NPRM would have also required eventual modification of this area to terminate the repetitive inspection. The manufacturer has identified additional airplane models on which the unsafe condition exists or could develop and

has determined that the required modification is not eliminating the cracks from occurring. This proposed AD adds additional airplanes to the applicability and makes the inspection repetitive for all airplanes even if the modification is incorporated. Since these actions impose an additional burden over that proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these additional actions.

**DATES:** The Federal Aviation Administration (FAA) must receive any comments on this proposed rule on or before August 26, 2002.

**ADDRESSES:** Submit comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002-CE-03-AD, 901 Locust, Room 506, Kansas City, Missouri 64106. You may view any comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. You may also send comments electronically to the following address: 9-ACE-7-Docket@faa.gov. Comments sent electronically must contain "Docket No. 2002-CE-03-AD" in the subject line. If you send comments electronically as attached electronic files, the files must be formatted in Microsoft Work 97 for Windows or ASCII text.

You may get service information that applies to this proposed AD from Air Tractor, Incorporated, P.O. Box 485, Olney, Texas 76374. You may also view this information at the Rules Docket at the address above.

#### FOR FURTHER INFORMATION CONTACT:

Andrew D. McAnaul, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone: (817) 222-5156; facsimile: (817) 222-5960.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

*How Do I Comment on This Proposed AD?*

The FAA invites comments on this proposed rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments to the address specified under the caption **ADDRESSES**. We will consider all comments received on or before the closing date. We may amend this proposed rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of this proposed AD action and determining whether we need to take additional rulemaking action.

#### *Are There Any Specific Portions of This Proposed AD I Should Pay Attention to?*

The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this proposed rule that might suggest a need to modify the rule. You may view all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each contact we have with the public that concerns the substantive parts of this proposed AD.

#### *How Can I Be Sure FAA Receives My Comment?*

If you want FAA to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write "Comments to Docket No. 2002-CE-03-AD." We will date stamp and mail the postcard back to you.

#### Discussion

##### *What Is the Background of the Subject Matter?*

The FAA received reports of three occurrences of cracks found on the left hand upper longeron and upper diagonal support tubes where they intersect on the left hand side of the fuselage frame just forward of the vertical fin front spar attachment point on Air Tractor Model AT-602 airplanes. The crack starts at the forward edge of the weld where the tubes come together. We initially determined that the cracks resulted from high vertical tail loads during repeated hard turns. The cracks were found by the pilot and/or ground crew when they noticed excessive movement in the empennage due to the loss of torsional rigidity.

##### *What Are the Consequences if the Condition Is Not Corrected?*

This condition, if not corrected, could cause the fuselage to fail. Such failure could result in loss of control of the airplane.

##### *Has FAA Taken any Action to This Point?*

We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Air Tractor Model AT-602 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 11, 2002 (67 FR 10862).

The NPRM proposed to require you to repetitively inspect the upper longeron and upper diagonal tube on the left hand side of the aft fuselage structure