

# Rules and Regulations

Federal Register

Vol. 66, No. 73

Monday, April 16, 2001

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 121

#### Small Business Size Standards; Waiver of the nonmanufacturer rule

**AGENCY:** Small Business Administration.  
**ACTION:** Final decision to waive the nonmanufacturer rule.

**SUMMARY:** This document advises the public that the Small Business Administration (SBA) is establishing a waiver of the Nonmanufacturer Rule for aerospace ball and roller bearings, consisting of, but not limited to, annular ball bearings, cylindrical ball bearings, linear ball bearings, linear roller bearings, needle roller bearings, ball or roller bearing races, roller bearings, tapered roller bearings and thrust roller bearings. The basis for waivers is that no small business manufacturers are available to participate in the Federal market for these products. The effect of a waiver will allow otherwise qualified nonmanufacturers to supply the products of any domestic manufacturer on a Federal contract set aside for small businesses or awarded through the SBA 8(a) Program.

**EFFECTIVE DATE:** April 13, 2001

**FOR FURTHER INFORMATION CONTACT:** Edith Butler, Program Analyst, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416 Tel: (202) 619-0422.

**SUPPLEMENTARY INFORMATION:** Public Law 100-656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set aside for small businesses or SBA 8(a) Program procurement must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA

regulations imposing this requirement are found at 13 CFR 121.906(b) and 121.1106(b). Section 303(h) of the law provides for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or processors in the Federal market. To be considered available to participate in the Federal market on these classes of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months.

The SBA defines "class of products" based on two coding systems. The first is the Office of Management and Budget *Standard Industrial Classification Manual*. The second is the Product and Service Code established by the Federal Procurement Data System.

This document waives the Nonmanufacturer Rule for aerospace ball and roller bearings, consisting of, but not limited to, annular ball bearings, cylindrical ball bearings, linear ball bearings, linear roller bearings, needle roller bearings, ball or roller bearing races, roller bearings, tapered roller bearings and thrust roller bearings, SIC code 3562 and North American Industry Classification System (NAICS) 332991.

Documents proposing to waive the nonmanufacturer rule for the aerospace ball and roller bearings, consisting of, but not limited to, annular ball bearings, cylindrical ball bearings, linear ball bearings, linear roller bearings, needle roller bearings, ball or roller bearing races, roller bearings, tapered roller bearings and thrust roller bearings specified were published on February 20, 2001 (66 FR 10842), and on March 14, 2001 (66 FR 14865). No comments were received.

**Luz A. Hopewell,**

*Associate Administrator for Government Contracting.*

[FR Doc. 01-9068 Filed 4-13-01; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NM-66-AD; Amendment 39-12174; AD 2000-23-04 R1]

RIN 2120-AA64

#### Airworthiness Directives; Aerospatiale Model ATR42-500 Series Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment revises an existing airworthiness directive (AD), applicable to all Aerospatiale Model ATR42-500 series airplanes. This amendment continues to require revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. This amendment also adds information pertaining to certain material incorporated by reference. This amendment is prompted by issuance of a new revision of the "Time Limits" section of the ATR42-400/500 Maintenance Planning Document, which specifies new inspections and compliance times for inspection and replacement actions. This amendment is intended to ensure that fatigue cracking of certain structural elements is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

**DATES:** Effective December 19, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 1, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 16, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-66-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted

via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2001-NM-66-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Gary Lium, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1112; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** On November 3, 2000, the FAA issued AD 2000-23-04, amendment 39-11974 (65 FR 68076, November 14, 2000), applicable to all Aerospatiale Model ATR42-500 series airplanes, to require revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. That action was prompted by issuance of a new revision of the "Time Limits" section of the ATR42-400/500 Maintenance Planning Document, which specifies new inspections and compliance times for inspection and replacement actions. The actions required by that AD are intended to ensure that fatigue cracking of certain structural elements is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

#### **Actions Since Issuance of Previous Rule**

Since the issuance of that AD, the FAA notes that we inadvertently did not provide information pertaining to the incorporation by reference of certain materials. The incorporation by reference of certain materials allows Federal agencies to comply with the requirement to publish rules in the **Federal Register** by referring to materials already published elsewhere. The legal effect of incorporation by reference is that the material is treated as if it were published in the **Federal Register**. This material, like any other

properly issued rule, has the force and effect of law. Congress authorized incorporation by reference in the Freedom of Information Act to reduce the volume of material published in the **Federal Register** and Code of Federal Regulations (CFR).

#### **FAA's Findings**

The FAA has revised AD 2000-23-04 to incorporate by reference the "Time Limits" section of the ATR42-400/500 Maintenance Planning Document, Revision 3, dated February 1999, which was referenced in that AD as the appropriate source document necessary to accomplish the requirements of that AD. We have revised that AD to include that information by adding a new paragraph (e) to this revised AD.

#### **Explanation of Requirements of Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD revises AD 2000-23-04 to continue to require revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. This AD also adds information, as discussed above, pertaining to certain material incorporated by reference.

#### **Determination of Rule's Effective Date**

The FAA has determined that this AD action has no adverse economic impact on any person, does not impose any new requirements or provide any additional burden on any person, in order to accomplish the requirements of this AD. Therefore, prior notice and public procedures hereon are unnecessary and this amendment will be made effective as of December 19, 2000, the effective date of AD 2000-23-04.

#### **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 shall 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.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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 rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-66-AD." The postcard will be date stamped and returned to the commenter.

#### **Regulatory Impact**

The regulations adopted herein will 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it 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 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-11974 (65 FR 68076, November 14, 2000), and by adding a new airworthiness directive (AD), amendment 39-12174, to read as follows:

**2000-23-04 R1 Aerospatiale:** Amendment 39-12174. Docket 2001-NM-66-AD. Revises AD 2000-23-04, Amendment 39-11974.

**Applicability:** All Model ATR42-500 series airplanes, certificated in any category.

**Note 1:** This AD applies to each airplane 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 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 as indicated, unless accomplished previously.

To ensure continued structural integrity of these airplanes, accomplish the following:

#### Airworthiness Limitations Revision

(a) Within 30 days after December 19, 2000 (the effective date of AD 2000-23-04), revise the Airworthiness Limitations Section of the Instructions for Continued Airworthiness by incorporating the "Time Limits" section of the ATR42-400/500 Maintenance Planning Document, Revision 3, dated February 1999, into the Airworthiness Limitations Section.

(b) Except as provided in paragraph (c) of this AD: After the actions specified in paragraph (a) of this AD have been accomplished, no alternative inspections or

inspection intervals may be approved for the structural elements specified in the documents listed in paragraph (a) of this AD.

#### 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, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

#### 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 airplane to a location where the requirements of this AD can be accomplished.

#### Incorporation by Reference

(e) The actions shall be done in accordance with the "Time Limits" section of the ATR42-400/500 Maintenance Planning Document, Revision 3, dated February 1999, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
Title .....	3	Feb. 1999.
List of Effective Pages, Page 1-LEP.	3	Feb. 1999.

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 Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### Effective Date

(f) The effective date of this amendment remains December 19, 2000, (the effective date of AD 2000-23-04).

Issued in Renton, Washington, on April 3, 2001.

#### Donald L. Riggan,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 01-8724 Filed 4-13-01; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-SW-15-AD; Amendment 39-12175; AD 2001-07-09]

RIN 2120-AA64

#### Airworthiness Directives; MD Helicopters Inc. Model MD-900 Helicopters

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment supersedes an existing emergency airworthiness directive (AD) that applies to MD Helicopters Inc. (MDHI) Model MD-900 helicopters. That emergency AD requires, within 6 hours time-in-service (TIS), or before further flight after January 31, 2000, whichever occurs first, inspecting the main rotor upper hub assembly drive plate attachment flange (flange) and determining the torque of each flange nut (nut). If a crack is found, the hub assembly must be replaced before further flight. The emergency AD also requires, within 25 hours TIS or before further flight after January 31, 2000, whichever occurs first, inspecting the hub assembly and verifying that the torque on the nuts is correct. Replacing a cracked hub assembly with an airworthy hub assembly is required before further flight. This amendment requires the same actions as the existing emergency AD but removes the January compliance dates and corrects errors in the existing emergency AD. This amendment is prompted by the discovery that there are several errors in the emergency AD. The actions specified by this AD are intended to prevent failure of the hub assembly, loss of drive to the main rotor, and subsequent loss of control of the helicopter.

**DATES:** Effective May 1, 2001. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 1, 2001.

Comments for inclusion in the Rules Docket must be received on or before June 15, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000-SW-15-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to