

the remaining 18.6 percent. While exact acreage is not known, plantings of Russet Burbank and Silverton Russet varieties of potatoes are estimated to make up only a small percentage of the total potato acreage.

This rule would increase the minimum size requirement for all varieties of potatoes produced in Area No. 2 of Colorado, except for the round varieties and the Russet Burbank, Russet Norkotah, and Silverton Russet varieties. This rule would raise the minimum size requirement from 1 $\frac{7}{8}$ inches in diameter to 2 inches in diameter or 4 ounces in weight. Only a small portion of the crop (i.e., that portion smaller than 2 inches in diameter or 4 ounces in weight but larger than 1 $\frac{7}{8}$ inches in diameter) is expected to be affected by the proposed size increase. The Committee believes that the expected benefits of improved quality, increased purchases and sales volume, and increased returns received by producers would greatly outweigh the costs related to the regulation.

Alternatives considered by the Committee included increasing the minimum size requirement for all Russet varieties or not making any changes. The Committee does not believe it is desirable to increase the minimum size requirement for the Russet Burbank, Russet Norkotah, and Silverton Russet varieties because these long and thin varieties have a tendency, when sitting on end, to fall through the potato sizing equipment even when the potatoes are of good size. This is particularly a problem when the sizing equipment is set at larger size settings such as 2 or 2 $\frac{1}{4}$ inches. Because of this problem, the Committee decided that the current minimum size requirement for these varieties of 1 $\frac{7}{8}$ inches in diameter continues to be appropriate. The Committee believes that handlers might lose a high percentage of acceptable potatoes through the sizing equipment if the minimum size requirement on such potatoes was increased to 2 inches in diameter or 4 ounces in weight.

The alternative of taking no action would not have addressed the marketing problems.

This rule would change the size requirements currently prescribed under the marketing order. Accordingly, this action would not impose any additional reporting or recordkeeping requirements on either small or large potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

In addition, the Committee's meeting was widely publicized throughout the Colorado Area No. 2 potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the Committee meeting on August 16, 2001, was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is proposed to be amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 948.386 is amended by revising the introductory text and paragraph (a) to read as follows:

§ 948.386 Handling regulation.

No person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section.

(a) *Minimum grade and size requirements—* (1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *All other varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight: *Provided,* That the Russet Burbank, Russet Norkotah, and Silverton Russet varieties, shall be 1 $\frac{7}{8}$ inches minimum diameter.

(3) *All varieties.* Size B, if U.S. No. 1 grade.

(4) *All varieties.* 1-inch minimum diameter to 1 $\frac{3}{4}$ inches maximum diameter, if at least U.S. No. 1 grade.

(5) None of the categories of potatoes identified in paragraphs (a)(1) through (a)(4) of this section may be commingled in the same bag or other container.

* * * * *

Dated: February 22, 2002.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 02–4706 Filed 2–28–02; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–CE–44–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to all Pilatus Aircraft Ltd. (Pilatus) Models PC–12 and PC–12/45 airplanes. This proposed AD would require you to inspect the left and right main landing gear (MLG) assemblies for bolts with a serial number (S/N) beginning with the letters “AT” and numbers 299 or lower and replace each bolt with a bolt that does not have a S/N with both the letters “AT” and a number of 299 or lower. This proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by this proposed AD are intended to detect and replace defective MLG assembly bolts that have an improper cadmium plating, which could cause hydrogen embrittlement and bolt failure. Such failure could lead to MLG collapse during landing.

DATES: The Federal Aviation Administration (FAA) must receive any comments on this proposed rule on or before April 1, 2002.

ADDRESSES: Submit comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001–CE–44–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 get service information that applies to this proposed AD from Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 619 6224; or from Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465-9099; facsimile: (303) 465-6040. You may also view this information at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

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. 2001-CE-44-AD." We will date stamp and mail the postcard back to you.

Discussion

What events have caused this proposed AD? The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified FAA that an unsafe condition may exist on certain Pilatus Models PC-12 and PC-12/45 airplanes. The FOCA reports that, because of a manufacturing defect, certain bolts on the main landing gear (MLG) assembly may be defective. The problem is caused by an improper cadmium process applied to the high strength steel part, which can cause hydrogen embrittlement and subsequent failure of the bolt.

The defective bolts were initially installed on MLG assemblies that have a serial number beginning with the letters "AM". Each bolt in the defective lot incorporates the letters "AT" and a number of 299 or lower.

What are the consequences if the condition is not corrected? If not corrected, such failure could lead to MLG collapse during landing.

Is there service information that applies to this subject? Pilatus has issued Pilatus PC-12 Service Bulletin No. 32-012, dated October 18, 2001.

What are the provisions of this service information? The service bulletin includes procedures for replacing defective bolts in the main landing gear assemblies.

What action did the FOCA take? The FOCA classified this service bulletin as mandatory and issued Swiss AD Number HB 2001-603, dated November 5, 2001, in order to ensure the

continued airworthiness of these airplanes in Switzerland.

Was this in accordance with the bilateral airworthiness agreement? These airplane models are manufactured in Switzerland and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Pursuant to this bilateral airworthiness agreement, the FOCA has kept FAA informed of the situation described above.

The FAA's Determination and an Explanation of the Provisions of This Proposed AD

What has FAA decided? The FAA has examined the findings of the FOCA; reviewed all available information, including the service information referenced above; and determined that:

- The unsafe condition referenced in this document exists or could develop on other Pilatus Models PC-12 and PC-12/45 airplanes of the same type design that are on the U.S. registry;
- The actions specified in the previously-referenced service information should be accomplished on the affected airplanes; and
- AD action should be taken in order to correct this unsafe condition.

What would this proposed AD require? This proposed AD would require you to incorporate the actions in the previously-referenced service bulletin.

Cost Impact

How many airplanes would this proposed AD impact? We estimate that this proposed AD affects 16 airplanes in the U.S. registry.

What would be the cost impact of this proposed AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the proposed inspection and replacement:

Labor cost	Parts cost	Total cost per airplane	Total cost U.S. operators
Manufacturer will pay for workhours ..	Parts will be provided at no cost to the owners/operators of the affected aircraft.	None	None.

Compliance Time of This Proposed AD

What would be the compliance time of this proposed AD? The compliance time of this proposed AD is "within the next 30 days after the effective date of this AD".

Why is the compliance time presented in calendar time instead of hours time-in-service (TIS)? Although malfunction of the main landing gear is unsafe during flight, the condition is not a direct result of airplane operation. The chance of this situation occurring is the

same for an airplane with 10 hours TIS as it would be for an airplane with 500 hours TIS. A calendar time for compliance would ensure that the unsafe condition is addressed on all airplanes in a reasonable time period.

Regulatory Impact

Would this proposed AD impact various entities? The regulations proposed herein 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. Therefore, it is determined that this proposed rule would not have federalism implications under Executive Order 13132.

Would this proposed AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this proposed action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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 has been placed 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, under 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. FAA amends § 39.13 by adding a new airworthiness directive (AD) to read as follows:

Pilatus Aircraft Ltd.: Docket No. 2001-CE-44-AD

(a) *What airplanes are affected by this AD?* This AD affects the following airplane models and serial numbers that are certificated in any category:

(1) Group 1: Pilatus may have installed the affected bolts on the following airplanes at manufacture. All portions of this AD apply to these airplanes:

Model	Serial numbers
PC-12 and PC-12/45.	349, 352, 357, 359, 362 through 365, 367, 369, 371, 375, 377, 380, 384, 385, 388, 390, 391, 393, 401, and 409.

(2) Group 2: The affected bolts could be installed through spare replacement on any of the following model airplanes. Paragraphs (d)(3) and (d)(4) of this AD apply to these airplanes:

Model	Serial numbers
PC-12 and PC-12/45	All serial numbers.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the airplanes identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and replace defective main landing gear (MLG) assembly bolts that have an improper cadmium plating, which could cause hydrogen embrittlement and bolt failure.

(d) *What actions must I accomplish to address this problem?* To address this problem, accomplish all actions for Group 1 airplanes, and accomplish paragraphs (d)(3) and (d)(4) of this AD for Group 2 airplanes:

Actions	Compliance	Procedures
(1) Inspect the left and right main landing gear (MLG) assembly for the existence of a bolt, part number (P/N) 532.10.12.077, that has a serial number (S/N) with both the letters "AT" and a number of 299 or lower. (i) If the above referenced bolts are not installed, no further action is required. (ii) If the above referenced bolts are installed, replace each bolt with an FAA-approved bolt that does not have a S/N with both the letters "AT" and a number of 299 or lower.	Inspect within the next 30 days after the effective date of this AD. Prior to further flight, replace bolts found during the inspection required in paragraph (d)(1) of this AD.	Pilatus PC-12 Service Bulletin No. 32-012, dated October 18, 2001, provides information about these actions.
(2) Send the removed bolts to Pilatus Aircraft Ltd. so the bolts cannot be reused and report the results of the inspection (positive or negative) to FAA. The Office of Management and Budget (OMB) approved the information collection requirements contained in this regulation under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) and assigned OMB Control Number 2120-0056.	Within 10 days after removing the bolts or within 10 days after the effective date of this AD, whichever occurs later.	Send the removed bolts to Pilatus Aircraft Ltd. at the address in paragraph (h) of this AD, and send the report to Doug Rudolph, FAA, at the address in paragraph (f) of this AD.
(3) Do not install any bolt, P/N 532.10.12.007, on any MLG assembly that has a S/N with both the letters "AT" and a number of 299 or lower.	As of the effective date of this AD	Not Applicable.
(4) If you have already accomplished the actions specified in Pilatus PC-12 Service Bulletin No. 32-012, dated October 18, 2001, send a report to the FAA at the address in paragraph (f) of this AD, stating if one of the affected bolts were replaced and returned to Pilatus.	Within the next 30 days after the effective date of this AD.	Not Applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate, approves your alternative.

Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 1: This AD applies to each airplane identified in paragraph (a) of this AD, 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 (e) 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may get copies of the documents referenced in this AD from Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 619 6224; or from Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465-9099; facsimile: (303) 465-6040. You may view these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Note 2: The subject of this AD is addressed in Swiss AD HB 2001-603, dated November 5, 2001.

Issued in Kansas City, Missouri, on February 21, 2002.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02-4865 Filed 2-28-02; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR PART 122

RIN 1515-AD01

Re-Use of Air Waybill Number on Air Cargo Manifest

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations pertaining to air commerce to provide that once an air waybill number is used on an air cargo manifest, one year must elapse before the same air waybill number may be used on another air cargo manifest. Current regulations prohibit the re-use of an air waybill number for three years after it is used on an air cargo manifest. The proposed amendment also specifies that air cargo manifests must reference an 11-digit air waybill number for each air waybill it covers. The document requests comments on the proposed changes.

DATES: Comments must be received on or before April 30, 2002.

ADDRESSES: Written comments (preferably in triplicate), regarding both the substantive aspects of the proposed rule and how it may be made easier to understand, may be submitted to and inspected at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Scholtens, Trade Programs, Office of Field Operations: (202) 927-3459.

SUPPLEMENTARY INFORMATION:

Background

The requirements for aircraft entry and entry documents are set forth in subpart E of part 122 of the Customs Regulations (19 CFR part 122; § 122.41 *et seq.*). Under § 122.41 of the regulations (19 CFR 122.41), all commercial aircraft coming to the United States from a foreign area (with certain exceptions not relevant here) must make entry. Section 122.48 (19 CFR 122.48) provides that an air cargo manifest covering all cargo on board must be filed with the general declaration for any aircraft required to make entry under § 122.41. Section 122.48(c) pertains to the air cargo manifest form (Customs Form 7509) and the information it must contain which includes an air waybill number for each

air waybill covered by the manifest. The number of air waybills covered by the manifest depends on the number of air waybills that are associated with the cargo on board. This number will vary from aircraft to aircraft, depending on the number of shipments on board (including consolidated shipments).

Thus, whenever a commercial aircraft arrives from a foreign place and makes entry as required under the regulations, it must submit to Customs a manifest containing the appropriate air waybill numbers. (See also 19 U.S.C. 1431, 1433, 1434, 1644, and 1644a pertaining to vessel and air cargo manifests.)

Section 4.7a(c)(2)(iii), Customs Regulations (19 CFR 4.7a(c)(2)(iii)), concerning vessel manifests provides that bills of lading must have unique identifier numbers, that the numbers must be listed on vessel manifests, and that the identifier numbers may not be duplicated within a 3-year period. Section 122.2, Customs Regulations (19 CFR 122.2), provides that, except as otherwise provided for in the Customs Regulations, the customs laws and regulations applicable to vessels are also applicable to aircraft. (Section 122.2 implements 19 U.S.C. 1644a(b)(1)(E), under which Customs is authorized, by regulation, to apply to civil aircraft the laws and regulations concerning the entry and clearance of vessels.) Air waybills in the air commerce environment are analogous to bills of lading in the vessel commerce environment. Because the time frame in which an air waybill identifying number may be duplicated is not otherwise provided for in the Customs Regulations, § 4.7a(c)(2)(iii), in conjunction with § 122.2, sets the time frame: once an air waybill number is used on an air cargo manifest, that number may not be duplicated within a 3-year period.

Customs has reconsidered the three-year restriction on the re-use of air waybill numbers and determined that it should be reduced from three years to one year. This change is being made in conjunction with Customs efforts to improve its internal automated information systems relative to the tracking, archiving, and auditing of shipments by use of manifest numbers. Also, the huge volume of importations is affecting the availability of usable numbers for air cargo manifests. Thus, this document proposes to amend § 122.48(c) to provide a one-year time restriction on re-use of air waybill numbers on air cargo manifests.

The three-year restriction of § 4.7a(c)(2)(iii) on the re-use of bill of lading numbers will remain in effect for vessels.