

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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001-SW-42-AD]

RIN 2120-AA64

Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B, 205A, 205A-1, 205B, 212, 214B, and 214B-1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes superseding an existing airworthiness directive (AD) for Bell Helicopter Textron, Inc. (BHTI) Model 204B, 205A-1, 212, 214B, and 214B-1 helicopters. That AD currently requires reducing the retirement time for certain main rotor tension-torsion (TT) straps on those models and on the Model UH-1 series helicopters. This document would contain the same requirements but would remove the Model UH-1 series restricted category helicopters and would add the BHTI Model 205A and 205B helicopters to the applicability. This proposal is prompted by the issuance of a separate AD for the Model UH-1 series helicopters and the need to add the BHTI Model 205A and 205B helicopters to the applicability because the affected straps are eligible for installation on these model helicopters. The actions specified by the proposed AD are intended to prevent failure of a TT strap, loss of a main rotor blade, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before June 5, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2001-SW-42-AD, 2601 Meacham Blvd., Room

663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov. Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Kohner, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, Fort Worth, Texas 76193-0170, telephone (817) 222-5447, fax (817) 222-5783.

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 will be considered before taking action on the proposed rule. The proposals contained in this document 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 mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2001-SW-42-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2001-SW-42-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

On July 31, 1980, the FAA issued AD 80-17-09, Amendment 39-3876 (45 FR 54014, August 14, 1980), Docket No. 80-ASW-25. That AD requires replacing certain TT straps on or before attaining 1,200 hours TIS or 24 calendar months, whichever occurs first, for the BHTI Model 204B, 205A-1, 212, 214B, 214B-1, and the Model UH-1 series military helicopters. That action was prompted by an offshore accident of a Bell Model 212 helicopter in which a TT strap reportedly failed in flight after 2,140 hours TIS with resulting loss of the main rotor blade. The requirements of that AD are intended to prevent failure of a TT strap, loss of a main rotor blade, and subsequent loss of control of the helicopter.

Since the issuance of that AD, a separate NPRM has been issued (67 FR 17305, April 10, 2002) for the military surplus restricted category helicopters that includes the Model UH-1 series hence the removal of the Model UH-1 series helicopters from the applicability of this proposed AD. Also, further review indicates that the affected TT straps are eligible for installation on the BHTI Model 205A and 205B helicopters. Therefore, this proposed AD includes those models in the applicability.

This unsafe condition is likely to exist or develop on other helicopters of these same type designs. The proposed AD would supersede AD 80-17-09 to contain the same requirements but would change the applicability by removing the restricted category Model UH-1 series helicopters and adding the BHTI Model 205A and 205B helicopters.

The FAA estimates that this AD would affect 168 helicopters of U.S. registry. The FAA also estimates that it would take 8 work hours to replace the TT straps at an average labor rate of \$60 per work hour. The TT straps would cost approximately \$10,484 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$1,840,352.

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 proposal

would not have federalism implications under Executive Order 13132.

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), 40114, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-3876 (45 FR 54014, dated August 14, 1980), and by adding a new airworthiness directive (AD), to read as follows:

Bell Helicopter Textron, Inc.: Docket No. 2001-SW-42. Supersedes AD 80-17-09, Amendment 39-3876, Docket No. 80-ASW-25.

Applicability: Model 204B, 205A, 205A-1, 205B, 212, 214B, and 214B-1 helicopters, with main rotor tension-torsion (TT) strap, part number (P/N) 204-012-122-1, -5, or 214-010-179-1, 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 as indicated, unless accomplished previously.

To prevent separation of a TT strap, loss of a main rotor blade, and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight, remove and replace any TT strap with 1,200 or more hours time-in-service (TIS) or 24 or more months since initial installation on any helicopter, whichever occurs first.

(b) This AD revises the limitations section of the maintenance manual by establishing a life limit for the TT straps, P/N 204-012-122-1, -5, or 214-010-179-1, of 1200 hours TIS or 24 months since initial installation on any helicopter, whichever occurs first.

(c) Special flight permits will not be issued.

(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, Rotorcraft Certification Office, 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, Rotorcraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

Issued in Fort Worth, Texas, on May 9, 2002.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 02-12702 Filed 5-20-02; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 170

[Docket No. 01N-0234]

Food Additives: Food Contact Substance Notification System

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is requesting input on whether the agency should establish regulations permitting the licensing of the rights to manufacture and market a food contact substance for the use that is the subject of an effective food contact notification (FCN). FDA is requesting this input in response to a comment on a proposed rule published

in the **Federal Register** of July 13, 2000. The action requested in the comment concerning the transfer of rights granted under the FCN process is beyond the scope of the July 2000 proposal, and FDA is publishing this document so that interested persons may have adequate time to consider and comment on this issue.

DATES: Submit written or electronic comments by August 5, 2002.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.fda.gov/dockets/ecomments>.

FOR FURTHER INFORMATION CONTACT: Mitchell Cheeseman, Center for Food Safety and Applied Nutrition (HFS-205), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 202-418-3083.

SUPPLEMENTARY INFORMATION:

I. Background

The Food and Drug Administration Modernization Act of 1997 (Public Law 105-115) established a premarket notification process for food contact substances (FCSs). The FCN process began to operate on October 22, 1999, and is now the primary method for authorizing new uses of food additives that are FCSs. In the **Federal Register** of July 13, 2000 (65 FR 43269), the agency proposed regulations to facilitate implementation of the notification process. FDA provided 75 days for comment on the proposed rule. FDA received three comments from trade associations representing the food packaging industry. One comment requested that FDA issue regulations to permit the transfer of rights granted under the FCN process. Because that request is outside the scope of the proposed rule, in this advanced notice of proposed rulemaking, FDA is soliciting input from interested parties on the action requested by that comment. Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule responding to the remaining comments on the proposal and codifying the proposed regulations with limited changes.

II. The American Plastics Council Comment

The comment on the proposed rule received from the American Plastics Council (APC) requests that FDA issue regulations to permit a manufacturer identified in an effective FCN to transfer by sale, licensing, or otherwise to another manufacturer the right to