

Action	Compliance time	Procedures
(ii) Parts become available from the manufacturer; or (iii) Not more than three inspections or 1,200 hours TIS go by: the first inspection would have to be accomplished upon accumulating the safe life; the second inspection would have to be accomplished within 400 hours TIS after accumulating the safe life; the third inspection would have to be accomplished 400 hours TIS after the second inspection; and the replacement/modification would have to be accomplished within 400 hours TIS after the third inspection (maximum elapsed time would be 1,200 hours TIS).		

(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, Fort Worth Airplane Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector. The inspector may add comments before sending it to the Manager, Fort Worth ACO.

(3) Alternative methods of compliance approved for AD 2000-14-51 are not considered approved for this AD.

Note 2: 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 Rob Romero, Aerospace Engineer, FAA, Fort Worth ACO, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone: (817) 222-5102; facsimile: (817) 222-5960.

(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 provided that the following is adhered to:

(1) Only operate in day visual flight rules (VFR) only.

(2) Ensure that the hopper is empty.

(3) Limit airspeed to 135 miles per hour (mph) indicated airspeed (IAS).

(4) Avoid any unnecessary g-forces.

(5) Avoid areas of turbulence.

(6) Plan the flight to follow the most direct route.

(h) *Are any service bulletins incorporated into this AD by reference?* Replacement actions required by this AD must be done in accordance with Snow Engineering Service Letter #197, #202, #203, or #205, all Revised

March 26, 2001, as applicable. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You may get copies of this document from Air Tractor, Incorporated, P.O. Box 485, Olney, Texas 76374. You can look at copies at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on June 8, 2001.

Issued in Kansas City, Missouri, on May 7, 2001.

Melvin D. Taylor,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-11968 Filed 5-15-01; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NE-42-AD; Amendment 39-12229; AD 2001-10-03]

RIN 2120-AA64

Airworthiness Directives; General Electric Company CF34 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to General Electric Company (GE) CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 turbofan engines. This action requires a one-time inspection, and if necessary replacement of certain fan disks for electrical arc-out indications, and assigns a reduction in the life limit of certain fan disks. This amendment is prompted by a report of a crack that was found during a visual inspection as part of routine engine maintenance. The

actions specified in this AD are intended to prevent rupture of the fan disk due to cracks that initiate at an electrical arc-out, which could result in an uncontained failure of the engine.

DATES: Effective May 31, 2001. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of May 31, 2001.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-NE-42-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: 9-ane-adcomment@faa.gov. Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from GE Aircraft Engines, 1000 Western Avenue, Lynn, MA 01910; Attention: CF34 Product Support Engineering, Mail Zone: 34017; telephone (781) 594-6323; fax (781) 594-0600. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Eugene Triozzi, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone 781-238-7148; fax 781-238-7199.

SUPPLEMENTARY INFORMATION: The FAA has received a report of a crack at one of the fan blade installation pin holes in a GE CF34-3A1 engine fan disk. The crack was found during a visual inspection that was being conducted as part of routine engine maintenance. Crack initiation sites, consisting of small zones of melted and resolidified metal,

have been discovered on fan disk surfaces. Three additional burned zones were observed adjacent to the crack site, but crack propagation at those sites did not occur because they were at lower stress locations. Metallurgical examination determined that these defects were a result of inadvertent contact by electrical probes used during an electrochemical etching procedure during manufacture. The defect is being referred to as electrical arc-out. These crack initiation sites may have occurred at fan disk surface locations accessible during part marking. Stress and life analyses conducted by the manufacturer show that if these sites occur at high-stress locations on disks, then crack propagation and rupture may occur before the part reaches its published low-cycle fatigue removal life. Also, some disks have manufacturing records that indicate blending, possibly of arc-outs, was performed at initial manufacture. This is referred to as a blended callout. Because arc-outs that may have occurred on these disks may have been blended away, these disks can not be reliably inspected for arc-out using the visual methods developed for other disks. Therefore, these disks must be removed from service. This condition, if not corrected, could result in rupture of the fan disk due to cracks that initiate at an electrical arc-out, which could result in an uncontained failure of the engine.

Manufacturer's Service Information

The FAA has reviewed and approved the technical contents of GE Aircraft Engines (GEAE) Alert Service Bulletin (ASB) CF34-BJ 72-A0088, Revision 1, dated October 30, 2000; and ASB CF34-AL 72-A0103, dated August 4, 2000. These ASB's provide procedures for inspections of certain disks for electrical arc-out indications, and if necessary, replacement of the disk with a serviceable disk.

Requirements of This AD

Since an unsafe condition has been identified that is likely to exist or develop on other CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 turbofan engines of the same type design, this AD is being issued to prevent rupture of the fan disk due to cracks that initiate at an electrical arc-out. This AD requires an inspection of fan disks P/N's 5921T18G01, 5921T18G09, 5921T18G10, 5921T54G01, 5922T01G02, 5922T01G04, 5922T01G05, 6020T62G04, 6020T62G05, 6078T00G01, 6078T57G01, 6078T57G02, 6078T57G03, 6078T57G04, 6078T57G05, and 6078T57G06 for electrical arc-out

indications and, if necessary, replacement of the fan disk with a serviceable disk. This AD also requires replacement of certain fan disks with blended callouts that are listed by P/N and SN in this AD before achieving a new reduced life limit. The inspection and replacement must be done in accordance with the alert service bulletins described previously.

Differences Between the Manufacturer's Service Information and This AD

Although fan disk P/N 5922T01G02 is not specified by ASB CF34-BJ 72-A0088, Revision 1, dated October 30, 2000, fan disk P/N 5922T01G02 is subject to the requirements specified in this AD.

Immediate Adoption of This AD

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

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 should 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.

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 notice

must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NE-42-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

This final rule does not have federalism implications, as defined in Executive Order No. 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 final rule.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and 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 adding the following new airworthiness directive:

2001-10-03 General Electric Company:
Amendment 39-12229. Docket 2000-NE-42-AD.

Applicability

This airworthiness directive (AD) is applicable to General Electric Company (GE) CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 turbofan engines with fan disk part numbers (P/N's) 5921T18G01, 5921T18G09, 5921T18G10, 5921T54G01, 5922T01G02, 5922T01G04, 5922T01G05, 6020T62G04, 6020T62G05, 6078T00G01, 6078T57G01, 6078T57G02, 6078T57G03, 6078T57G04, 6078T57G05, and 6078T57G06 installed. These engines are installed on but not limited to Bombardier, Inc. Canadair airplane models CL-600-2A12, -2B16, and -2B19.

Note 1: This AD applies to each engine 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 engines 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 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 rupture of the fan disk due to cracks that initiate at an electrical arc-out,

which could result in an uncontained failure of the engine, do the following:

Removal of Certain Fan Disks from Service

(a) On disk P/N's 5921T18G01, 5921T18G09, 5921T18G10, 5921T54G01, 5922T01G02, 5922T01G04, 5922T01G05, 6020T62G04, 6020T62G05, 6078T00G01, 6078T57G01, 6078T57G02, 6078T57G03, 6078T57G04, 6078T57G05, and 6078T57G06, that are listed by P/N and serial number (SN) in the following Table 1 of this AD and that have less than 8,000 cycles-since-new (CSN) on the effective date of this AD, replace fan disk P/N's before accumulating 8,000 CSN:

TABLE 1. FAN DISKS THAT REQUIRE REMOVAL BASED ON BLENDED CALLOUTS

Disk part number	Disk serial number
6078T57G04	GEE09287
6078T00G01	GAT3860G
6078T57G02	GAT1924L
5922T01G04	GAT9599G
6078T57G04	GEE05831
6078T57G04	GEE06612
6078T57G04	GEE06618
6078T57G04	GEE06974
6078T57G04	GEE06980
6078T57G05	GEE143FY
6078T57G05	GEE1453G
6078T57G05	GEE14452
6078T57G05	GEE145NA
6078T57G04	GEE08086

TABLE 1. FAN DISKS THAT REQUIRE REMOVAL BASED ON BLENDED CALLOUTS—Continued

Disk part number	Disk serial number
6078T57G04	GEE09287
6078T57G04	GEE09337
6078T57G05	GEE12720
6078T57G05	GEE14214
6078T57G05	GEE142YT
6078T57G05	GEE146GT

(b) For disks with SN's listed in Table 1 of this AD that have 8,000 CSN or greater on the effective date of this AD, replace the disk within 30 days after the effective date of this AD.

Inspection of All Other Fan Disks

(c) Inspect all other fan disks, P/N's 5921T18G01, 5921T18G09, 5921T18G10, 5921T54G01, 5922T01G02, 5922T01G04, 5922T01G05, 6020T62G04, 6020T62G05, 6078T00G01, 6078T57G01, 6078T57G02, 6078T57G03, 6078T57G04, 6078T57G05, and 6078T57G06 in accordance with paragraphs 3.A.(1) through 3.E.(2) of the Accomplishment Instructions of Alert Service Bulletin (ASB) CF34-BJ 72-A0088, Revision 1, dated October 30, 2000 or paragraphs 3.A.(1) through 3.A.(2)(f) of the Accomplishment Instructions of ASB CF34-AL 72-A0103, dated August 4, 2000. Use the compliance times specified in the following Table 2:

TABLE 2. FAN DISK INSPECTION COMPLIANCE TIMES

Fan disk operating CSN	Inspect by
(1) Fewer than 8,000 CSN on the effective date of this AD	Before accumulating 8,000 CSN or by the next hot section inspection after the effective date of this AD, whichever occurs earlier.
(2) 8,000 CSN or greater on the effective date of this AD	Within 120 days after the effective date of this AD.

Definitions

(d) For the purposes of this AD, the following definitions apply:
(1) A serviceable fan disk is defined as a fan disk that has been inspected as specified in paragraph (c) of this AD and is not listed in Table 1 of this AD.
(2) Cycles-since-new for fan disk P/N's 5922T01G04 or 5922T01G05 is defined as total cycles accrued since new as P/N 6078T57G02 or 6078T57G03, added to total cycles accrued after modification from P/N 6078T57G02 or 6078T57G03.

Alternative Methods of Compliance

(e) 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, Engine Certification Office (ECO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.
Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Special Flight Permits

(f) 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 aircraft to a location where the requirements of this AD can be accomplished.

Documents That Have Been Incorporated by Reference

(g) The actions specified in this AD must be done in accordance with the following GE alert service bulletins:

Document No.	Pages	Revision	Date
ASB CF34-BJ 72-A0088 Total pages: 15	All	1	October 30, 2000.
ASB CF34-AL 72-A0103 Total pages: 78	All	Original	August 4, 2000.

These incorporations by reference were 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 GE Aircraft Engines, 1000 Western Avenue, Lynn, MA 01910; Attention: CF34 Product Support Engineering, Mail Zone: 34017; telephone (781) 594-6323; fax (781)

594-0600. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the

Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date of This AD

(h) This amendment becomes effective on May 31, 2001.

Issued in Burlington, Massachusetts, on May 7, 2001.

Francis A. Favara,

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

[FR Doc. 01-12006 Filed 5-15-01; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 92F-0396]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Alpha-Acetylactate Decarboxylase Enzyme Preparation

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of alpha-acetylactate decarboxylase (α -ALDC) enzyme preparation derived from *Bacillus subtilis*, modified by recombinant deoxyribonucleic acid (DNA) techniques to contain the gene coding for α -ALDC from *B. brevis*, for use as a processing aid to produce alcoholic malt beverages and distilled liquors. This action is in response to a petition filed by Novozymes North America, Inc. (formerly Novo Nordisk Bioindustrials, Inc.).

DATES: This rule is effective May 16, 2001. Submit written objections and requests for a hearing by June 15, 2001. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of a certain publication in § 173.115(b)(3), effective as of May 16, 2001.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Rudaina H. Alrefai, Center for Food Safety and Applied Nutrition (HFS-206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3034.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of November 30, 1992 (57 FR 56585), FDA announced that a food additive petition (FAP 2A4345) had been filed by Novo Nordisk Bioindustrials, Inc., later renamed Novozymes North America, Inc., 77 Perry Chapel Church Rd., P.O. Box 576, Franklinton, NC 27525. The petition proposed that the food additive regulations be amended to provide for the safe use of α -acetylactate decarboxylase (ALDC) derived from *B. subtilis* modified by recombinant DNA techniques to contain the gene coding for ALDC from *B. brevis* for use as a processing aid in the brewing and alcohol industries.

When FDA filed the petition in the **Federal Register** of November 30, 1992 (57 FR 56585), it contained an environmental assessment (EA). The notice of filing stated “ * * * if the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency’s finding of no significant impact and the evidence supporting that finding will be published with the regulation * * *.” In the **Federal Register** of July 29, 1997 (62 FR 40570), FDA published a final rule on its National Environmental Policy Act policies and procedures, which became effective on August 28, 1997. In a letter dated January 4, 2001, the petitioner submitted a claim of categorical exclusion under 21 CFR 25.32(k). The agency has reviewed the claim of categorical exclusion and has concluded that it is warranted.

I. Evaluation of Safety of the Petitioned Use of the Additive

A. Introduction

The use of α -ALDC enzyme preparation from *B. subtilis* is to prevent the formation of diacetyl that causes unpleasant taste in beer and other alcoholic beverages. The enzyme α -ALDC is to be distinguished from the α -ALDC enzyme preparation, which contains α -ALDC as the principal active component in addition to other components derived from the production organism and fermentation media. This document will refer to the former as “ α -ALDC” and the latter as “ α -ALDC enzyme preparation.” Diacetyl is normally formed from α -acetylactate during fermentation. Alpha-ALDC, which is the active component of the petitioned enzyme preparation, catalyzes the conversion of α -acetylactate directly to acetoin, thereby reducing the time needed for spontaneous degradation of diacetyl to acetoin.

B. Host Organism

The host organism, *B. subtilis*, for production of α -ALDC is widely distributed in nature and is commonly present in foods eaten by both humans and animals. It also has a history of safe use as a source of enzymes in food enzyme manufacturing industry prior to 1958. Thus, *B. subtilis* is considered to be a nonpathogenic microorganism.

C. Donor Organism

B. brevis is the microorganism used as the source of the genetic material for the α -ALDC enzyme that is the subject of FAP 2A4345. FDA reviewed the safety of the DNA that encodes the enzyme α -ALDC from *B. brevis* and the enzyme it produces (discussed below), because only that DNA is transferred to the host strain from the donor organism.

D. Production Organism

The petitioner provided information demonstrating that the plasmid carrying the gene for α -ALDC is stably integrated into the chromosome of *B. subtilis* production strain. The petitioner conducted a study to evaluate the pathogenicity of three *B. subtilis* strains. In this study, mice received an intraperitoneal injection with the *B. subtilis* host strain, *B. subtilis* production strain, and a *B. subtilis* strain capable of producing α -ALDC but not used as a source of the petitioned enzyme preparation. FDA reviewed this study as well as the scientific literature concerning potential pathogenicity of *B. subtilis* and did not identify any microbiological concern (Refs. 1, 2, and 3).

E. Enzyme Preparation

The α -ALDC enzyme preparation is manufactured by a submerged pure culture fermentation of a genetically engineered strain of *B. subtilis* carrying the *B. brevis* gene that encodes α -ALDC. The enzyme is secreted to the fermentation broth and processed by removing the cellular debris, followed by concentration and formulation. For certain applications, the α -ALDC enzyme preparation is stabilized by crosslinking with glutaraldehyde (referred to as d-ALDC).

The petitioner submitted several toxicological studies that address the safety of the petitioned α -ALDC and d-ALDC enzyme preparations. These include: A teratogenicity study in rats and genotoxicity studies, including tests for mutagenic activity in *Salmonella typhimurium* and mammalian cells, as well as tests for chromosome-damaging activity in human lymphocytes. FDA has reviewed these studies and concludes that the petitioned α -ALDC