of dissemination of a plant pest. Danger of plant pest dissemination may be deemed to exist when:

(1) Existing safeguards against plant pest dissemination are inadequate and no adequate safeguards can be arranged; or

(2) The destructive potential of the regulated organism to plants, plant parts, or plant products, should it escape despite the proposed safeguards, outweighs the probable benefits that could be derived from the proposed movement and use of the regulated organism; or

(3) When you, as a previous permittee, failed to maintain the safeguards or otherwise observe the conditions prescribed in a previous permit and have failed to demonstrate your ability or intent to observe them in the future; or

(4) The proposed movement of the regulated organism is adverse to the conduct of an eradication, suppression, control, or regulatory program of APHIS.

(c) *Cancellation of permits.* APHIS may cancel any outstanding permit whenever:

(1) We receive information subsequent to the issuance of the permit of circumstances that would constitute cause for the denial of an application for permit under paragraph (b) of this section; or

(2) You, as the permittee, fail to maintain the safeguards or otherwise observe the conditions specified in the permit or in any applicable regulations.

§ 330.208 Permit conditions.

(a) If your permit application is approved, APHIS will issue a permit that will include any requirements that are, in the opinion of APHIS, necessary to prevent the dissemination of plant pests into the United States or interstate. The permit may specify a particular port of entry through which the regulated organism must enter the United States. The following standard conditions will apply to all permits for importation and interstate movement:

(1) After receiving the regulated organisms and removing them from their shipping container, you must immediately sterilize or destroy the shipping container and all packing material, media, substrate, and soil;

(2) You must keep the regulated organisms within the laboratory or other designated holding area at your facility and may not remove them without prior approval from APHIS;

(3) You must allow authorized APHIS and State regulatory officials to inspect, without prior notice and during reasonable hours, the conditions under which the regulated organisms are kept;

(4) You must destroy all regulated organisms kept under the permit at the completion of the intended use, and not later than the expiration date of the permit, unless an extension is granted by APHIS before the expiration of the permit;

(5) In the event of an escape of the regulated organisms, you must inform APHIS immediately, but no later than 24 hours after detecting the escape; and

(6) During the time that the regulated organisms are held in your facility, you must maintain records that identify the organisms, the person from whom you received them, the date the regulated organisms were received at your facility, and the disposition of the organisms. You must maintain those records for a period of 1 year following the final disposition of the regulated organisms. During normal business hours, you must allow an APHIS inspector to inspect and copy those records.

(b) Supplemental conditions may be included on the permit specific to the biology of the organism, the types of activities involved with the movement, or the specific needs of a facility.

(c) Permits authorizing movement of organisms through the United States (i.e., transit movement) will include shipping instructions as to routing, labeling, and similar requirements. Those instructions will be included on the permit as supplemental conditions.

(d) The length of a permit's validity will be indicated on the permit. Permits may be valid for a maximum duration of 10 years.

§ 330.209 Appealing the denial or cancellation of permits and compliance agreements.

If your permit application has been denied or your permit or compliance agreement has been canceled, APHIS will promptly inform you, in writing, of the reasons for the denial or cancellation. You may appeal the decision by writing to the Administrator and providing all of the facts and reasons upon which you are relying to show that your permit application was wrongfully denied or your permit or compliance agreement was wrongfully canceled. The Administrator will grant or deny the appeal as promptly as circumstances allow and will state, in writing, the reasons for the decision. If there is a conflict as to any material fact, you may request a hearing to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator.

§ 330.210 Packaging of regulated organisms.

(a) When moving a regulated organism, you must pack the organism in a container or combination of containers that will prevent the escape of the organism, and the outer container must be clearly marked to indicate its contents.

(b) Only approved packing materials may be used in a shipment of regulated organisms.

(1) The following materials are approved as packing materials: Absorbent cotton or processed cotton padding free of cottonseed; cellulose materials; excelsior; felt; ground peat (peat moss); paper or paper products; phenolic resin foam; sawdust; sponge rubber; thread waste, twine, or cord; and vermiculite.

(2) Other materials, such as host material for the organism, soil, or other types of packing material, may be included in a container only with the advance approval of APHIS.

§ 330.211 Labeling of regulated organisms.

If you are importing a regulated organism through the mail or through commercial express delivery, you must attach a special mailing label, which APHIS will provide with your permit or compliance agreement, to the container. The mailing label will indicate that the shipment of regulated organisms has been authorized by APHIS. If regulated organisms arrive in the mail without a mailing label, an APHIS inspector may refuse to allow the organisms to enter the United States.

§ 330.212 Exportation of organisms from the United States.

If you are shipping regulated organisms to destinations outside the United States, the organisms must be packaged in accordance with § 330.210 to prevent their escape during movement.

Done in Washington, DC, this 1st day of October 2001.

Bill Hawks,

Under Secretary for Marketing and Regulatory Programs.

[FR Doc. 01–25229 Filed 10–5–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–36–AD]

RIN 2120–AA64

Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to certain Lockheed Model L–1011–385 series airplanes. That action would have required the replacement of the flap position indicator with an improved flap position indicator. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received new data that indicate that currently there are adequate annunciation provisions and crew procedures to safely detect and accommodate slat drive failures. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Hector Hernandez, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6069; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to certain Lockheed Model L–1011–385 series airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on June 17, 1998 (63 FR 33019). The proposed rule would have required the replacement of the flap position indicator with an improved flap position indicator. That action was prompted by a report indicating that an airplane landed at an excessive sink rate and sustained substantial structural damage when the leading edge slats failed to extend for landing and the flightcrew failed to increase airspeed in response, due to inadequate annunciation of the slat failure. The proposed actions were intended to prevent such inadequate annunciation, which could result in the flightcrew being unaware when the leading edge slats fail to extend properly; such failure could result in reduced stall margins, and consequent reduced controllability of the airplane.

Actions That Occurred Since the NPRM Was Issued

Since the issuance of that NPRM, the FAA has received numerous comments from operators claiming that there are adequate annunciation provisions and crew procedures currently in place. The manufacturer and operators have identified three separate locations that show the position of the slats on Model L–1011 series airplanes:

1. A slat monitor panel at the flight engineer's station displays the position of each of the fourteen individual slat panels by illuminating when each slat reaches the fully extended position, as determined by proximity sensors in each slat's drive mechanism. This slat monitor panel also displays the angular position of both the right and left slat drive trains on a dial-type indicator.

2. A green ''LE EXT'' annunciation on the flap/slat position indicator on the center instrument panel illuminates when the slats reach the fully extended, 30-degree deflection.

3. Two slat drive fault indicators indicate that the slat drive has been inhibited.

Most but not all slat drive failure modes are detected and actively annunciated by the slat drive fault indicators. Any failure that inhibits the slat travel prior to full extension is clearly indicated on the slat monitor panel and flap/slat position indicator by the ''no indication of slat extension'' indicator. Current crew procedures call for the flight engineer to check and confirm slat extension prior to landing. To require the production and installation of approximately 180 shipsets of modified indicators (to accommodate the worldwide fleet), which have not been manufactured in more than 15 years, does not is not necessary in light of the additional indications already in place. While the modified indicators do improve slat drive position awareness by actively annunciating the lack of slat extension, currently there are adequate annunciation provisions and crew procedures to safely detect and accommodate slat drive failures.

FAA's Conclusions

Upon further consideration, the FAA has determined that mandating the installation of modified indicators is not necessary or justifiable because current annunciation provisions and crew procedures are adequate to address the identified unsafe condition. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another action in the future, nor does it commit the agency to any course of action in the future.

Regulatory Impact

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 98–NM–36–AD, published in the **Federal Register** on June 17, 1998 (63 FR 33019), is withdrawn.

Issued in Renton, Washington, on October 2, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–25185 Filed 10–5–01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[AR–13–1–7526b; FRL–7072–3]

Clean Air Act Full Approval of Operating Permits Program and Approval and Promulgation of Implementation Plans; State of Arkansas; New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes full approval of the Operating Permit Program of the State of Arkansas and to also approve this rule as it pertains to the State Implementation Plan. In the final rules section of this **Federal Register**, EPA is approving the State's submission as a direct final rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no relevant adverse comments. An explanation for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments will be addressed in a subsequent final rule based on this proposed action. The EPA will not institute a second comment period on this action. Any parties interested in commenting should do so at this time.

DATES: Comments on this proposed action must be received in writing on or before November 8, 2001.