

**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 39-11944 (65 FR 63795, October 25, 2000), and by adding a new airworthiness directive (AD), amendment 39-12453, to read as follows:

**2001-20-05 Fokker Services B.V.:**

Amendment 39-12453. Docket 2001-NM-21-AD. Supersedes AD 2000-21-12, Amendment 39-11944.

**Applicability:** All Model F.28 Mark 0100 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)(1) 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 electromagnetic interference with the anti-skid control system, which could result in reduced brake pressure during low-speed taxiing, and consequent reduced controllability and performance of the airplane, accomplish the following:

**Modification or Replacement**

(a) Within 24 months after the effective date of this AD: Accomplish the action specified in either paragraph (a)(1) or (a)(2) of this AD.

(1) Modify any anti-skid control box having part number (P/N) 6004272-3, -4, -5, or -6, in accordance with Fokker Service Bulletin SBF100-32-123, dated November 15, 2000; or

(2) Replace any anti-skid control box having part number (P/N) 6004272-3, -4, -5, or -6 with an improved unit having P/N 6004272-7, in accordance with Fokker Service Bulletin SBF100-32-123, dated November 15, 2000.

**Note 2:** Fokker Service Bulletin SBF100-32-123 refers to Aircraft Braking Systems Service Bulletin F0100-32-83, dated October 30, 2000, as an additional source of service information.

**Spares**

(b) As of the effective date of this AD, no person shall install on any airplane an anti-skid control box having P/N 6004272-3, -4, -5, or -6, unless the anti-skid control box has

been modified, in accordance with Fokker Service Bulletin SBF100-32-123, dated November 15, 2000.

**Alternative Methods of Compliance**

(c)(1) 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.

(2) Alternative methods of compliance, approved previously in accordance with AD 2000-21-12, amendment 39-11944, are approved as alternative methods of compliance with this AD.

**Note 3:** 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 Fokker Service Bulletin SBF100-32-123, dated November 15, 2000. 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 Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands. 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.

**Note 4:** The subject of this AD is addressed in Dutch airworthiness directive 1999-149, dated November 30, 2000.

**Effective Date**

(f) This amendment becomes effective on November 14, 2001.

Issued in Renton, Washington, on September 26, 2001.

**Charles Huber,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****14 CFR Part 382****49 CFR Part 27**

[OST Docket No. OST-99-6159]

RIN 2105-AC81

**Nondiscrimination on the Basis of Disability in Air Travel; Correction of Effective Date Under Congressional Review Act (CRA)**

**AGENCY:** Office of the Secretary, Department of Transportation (DOT).

**ACTION:** Final rule; correction.

**SUMMARY:** On May 3, 2001, the Department of Transportation (DOT or Department) published a final rule amending its rules implementing the Air Carrier Access Act of 1986 (ACAA) and section 504 of the Rehabilitation Act of 1973 to require airports and air carriers to provide boarding assistance to individuals with disabilities by using ramps, mechanical lifts, or other suitable devices where level-entry boarding by loading bridge or mobile lounge is not available on any aircraft with a seating capacity of 31 or more passengers. This document corrects the effective date of the final rule published on May 3, 2001, to be consistent with the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act of 1966, 5 U.S.C. 801, 808. It does not change the implementation dates in the rule. Carriers and airports must still sign a written agreement no later than March 4, 2002 allocating responsibility for meeting the boarding assistance requirements, and the agreement must still provide that all actions necessary to ensure accessible boarding for passengers with disabilities are completed no later than December 2, 2002.

**DATES:** The effective date for the final rule that published on Thursday, May 3, 2001 at 66 FR 22107 is corrected from June 4, 2001 to November 9, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Blane A. Workie, Office of the General Counsel, Department of Transportation, 400 7th Street, SW., Room 4116, Washington, DC 20590, 202-366-9342 (voice), (202) 366-0511 (TTY), 202-366-7152 (fax), or

*blane.workie@ost.dot.gov* (email). Arrangements to receive the rule in an alternative format may be made by contacting the above named individual.

**SUPPLEMENTARY INFORMATION:**

## Background Information

The CRA, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report that includes a copy of the rule to each House of the Congress and to the Comptroller General of the United States. The effective date of the final rule on Nondiscrimination on the Basis of Disability in Air Travel published at 66 FR 22107, is corrected from June 4, 2001 to November 9, 2001 in order to comply with the CRA.

The implementation dates in the rule remain the same. While the Department acknowledges that it should have sent a copy of the final rule to Congress and the Comptroller General prior to the effective date of the final rule, the Department does not believe that it is necessary or advisable to revise the implementation dates in the rule. The public has not been unduly affected by this error, and revising the implementation dates on a rule that was published in May would cause confusion. Individuals who can demonstrate that the Department not submitting the rule to Congress and the Comptroller General unduly burdened them should provide comments to the Department.

## Administrative Procedure Act

The Administrative Procedure Act provides that an agency may dispense with prior notice and opportunity for comment when the agency for good cause finds that such procedures are impracticable, unnecessary or contrary to the public interest, 5 U.S.C. 553(b)(3)(B). The Office of the Secretary (OST) has determined that prior notice and comment are unnecessary, because OST is merely correcting the effective date of the promulgated rule to be consistent with the congressional review requirements of the CRA as a matter of law and has no discretion in this matter. Thus, notice and public procedure are unnecessary. The agency finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

Issued this 2nd day of October, 2001, at Washington, DC.

**Kirk K. Van Tine,**

*General Counsel, Department of Transportation.*

[FR Doc. 01-25371 Filed 10-9-01; 8:45 am]

**BILLING CODE 4910-62-M**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD13-01-006]

RIN 2115-AE47

#### Drawbridge Operations Regulations; Youngs Bay and Lewis and Clark River, OR

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the drawbridge operating regulations for these bridges: New Youngs Bay, mile 0.7, across Youngs Bay; Old Youngs Bay, mile 2.4, across Youngs Bay and the Lewis and Clark River Bridge, mile 1.0, across the Lewis and Clark River at Astoria, Oregon. This final rule requires that at least one half-hour notice must be provided for draw openings from 6 a.m. to 6 p.m. Monday through Friday and from 8 a.m. to 4 p.m. on Saturday and Sunday. At all other times four hours notice is required.

**EFFECTIVE DATE:** This rule is effective November 9, 2001.

**ADDRESSES:** Unless otherwise noted, documents referred to in this notice are available for inspection and copying at Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174-1067, room 3510 between 7:45 a.m. and 4:15 p.m., Monday through Friday, except federal holidays. The Bridge Section of the Aids to Navigation and Waterways Management Branch maintains the docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Austin Pratt, Chief, Bridge Section, Aids to Navigation and Waterways Management Branch, Telephone (206) 220-7282.

#### SUPPLEMENTARY INFORMATION:

#### Regulatory Information

On July 12, 2001, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Youngs Bay and Lewis and Clark River, Oregon, in the **Federal Register** (66 FR 36529). We received no comments in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

#### Background and Purpose

The current operating regulations for these drawbridges at 33 CFR 117.899 requires that a half-hour notice for openings must be provided from 5 a.m. to 9 p.m. daily. This rule reduces the number of daily hours during which

half-hour notice must be given and increases the period in which four-hour notice must be given. The number of requests for openings has decreased in recent years and specifically for those hours affected by this rule. This rule enables the bridge owner to reduce staffing for the half-hour notice periods and to apply these savings to maintenance.

#### Discussion of Comments and Changes

The Coast Guard received no comments. No changes are made to this final rule.

#### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs or benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This conclusion is based on the fact that the bridges will open at all times for vessel traffic if appropriate notice is given.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612) we considered whether this rule would have a significant economic impact on a substantial number of small entities. "Small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and government jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based on the fact that the bridges will open at any time if appropriate notice is given.

#### Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of federal regulations that