

Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on December 11, 2001.

**Michael Gallagher,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-CE-57-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Cessna Aircraft Company 150, 172, 175, 180, 182, 185, 206, 210, and 336 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Proposed rule; Withdrawal.

**SUMMARY:** This document withdraws a notice of proposed rulemaking (NPRM) that would have applied to certain Cessna Aircraft Company (Cessna) 150, 172, 175, 180, 182, 185, 206, 210, and 336 series airplanes. The proposed AD would have affected those airplanes equipped with 0513166 series plastic control wheels. The proposed AD would have required you to repetitively inspect these wheels for cracks, conduct a pull test on these wheels, and replace any control wheels that are cracked or that do not pass the pull test. Replacement of the control wheels would have been with ones that were FAA-approved and were not 0513166 series plastic control wheels. After evaluating all the comments received on the proposal, we have determined that the cracking or failure of the control wheel is not a safety hazard and that a special airworthiness information bulletin would be more appropriate. There have been only four service difficulty reports made in the FAA database; however, there were neither associated accidents nor incidents. Most of the affected airplanes have dual control wheels with each wheel having two handles for redundancy, which would provide an alternative means to control the airplane should actual failure occur. For these reasons, we are withdrawing the NPRM.

**ADDRESSES:** You may look at information related to this action at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No.

98-CE-57-AD, 901 Locust, Room 506, Kansas City, Missouri 64106, between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Eual Conditt, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946-4102; facsimile: (316) 946-4407.

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

##### *What Action Has FAA Taken to Date?*

We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would have applied to certain Cessna Aircraft Company (Cessna) 150, 172, 175, 180, 182, 185, 206, 210, and 336 series airplanes. The proposal was published in the **Federal Register** as an NPRM on December 29, 2000 (65 FR 82954). The comment period was extended from February 2, 2001, to April 4, 2001 on January 22, 2001 (66 FR 6499). The proposed rule would have required you to:

- Repetitively inspect and pull test the 0513166 series control wheels; and
- Replace any control wheels that fail the inspection or pull test.

##### *Was the Public Invited to Comment?*

The FAA invited interested persons to participate in the making of this amendment. The comments, in most part, reflect the public's desire to have FAA withdraw the proposal and instead issue a special airworthiness information bulletin or general aviation alert. The reason for this is because there are only four service difficulty reports of control wheel cracks in the FAA database and most of the affected airplanes have dual control wheels with each wheel having two handles for redundancy, which would provide an alternative means to control the airplane should actual failure occur.

##### **The FAA's Determination**

##### *What Is FAA's Final Determination on This Issue?*

After re-evaluating all information related to this subject, we have determined that:

- The unsafe condition is appropriately addressed through a special airworthiness bulletin (No. CE-01-41);
- Because there are only four service difficulty reports of control wheel cracks in the FAA database regarding this subject on the affected airplanes, there is no need for the NPRM, Docket No. 98-CE-57-AD; and

—We should withdraw the NPRM.

Withdrawal of this action does not prevent us from taking or commit us to any future action.

##### **Regulatory Impact**

##### *Does This Proposed AD Withdrawal Involve a Significant Rule or Regulatory Action?*

Since this action only withdraws a proposed AD, it is not an AD 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, FAA withdraws the notice of proposed rulemaking, Docket No. 98-CE-57-AD, published in the **Federal Register** on December 29, 2000 (65 FR 82954) with the comment period extended from February 2, 2001, to April 4, 2001 on January 22, 2001 (66 FR 6499).

Issued in Kansas City, Missouri, on December 11, 2001.

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*Manager, Small Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### 15 CFR Parts 738 and 742

[Docket No. 011019257-1257-01]

RIN 0694-AC48

#### **Removal of Licensing Exemption for Exports and Reexports of Missile Technology-Controlled Items Destined to Canada**

**AGENCY:** Bureau of Export Administration, Commerce.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Bureau of Export Administration (BXA) is reviewing the existing license exemption contained within the Export Administration Regulations (EAR) for the export of missile technology (MT)-controlled items to Canada, because of the recommendations contained in the Government Accounting Office Report entitled: "Export Controls: Regulatory

Change Needed to Comply with Missile Technology Licensing Requirements” (GA-01-530). BXA is seeking comments on how removing the existing licensing exemption for MT-controlled exports to Canada would affect industry and more specifically the exporting community.

**DATES:** Comments must be received by February 19, 2002.

**ADDRESSES:** Written comments (three copies) should be sent to Sharron Cook, Regulatory Policy Division, Office of Exporter Services, Bureau of Export Administration, Department of Commerce, 14th and Pennsylvania Avenue, NW, PO Box 273, Room 2705, Washington, DC 20230; E-Mailed to: [scook@bxa.doc.gov](mailto:scook@bxa.doc.gov); or faxed to 202-482-3355.

**FOR FURTHER INFORMATION CONTACT:** Steven Goldman, Director, Office of Nonproliferation Controls and Treaty Compliance, Bureau of Export Administration, Telephone: (202) 482-4188. Copies of the referenced GAO Report are available at the GAO website: <http://www.gao.gov>.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Government Accounting Office (GAO) Report entitled: “Export Controls: Regulatory Change Needed to Comply with Missile Technology Licensing Requirements” (GA-01-530), recommended that the Department of Commerce amend the Export Administration Regulations (EAR) to require a license for the export of dual-use items controlled pursuant to the Missile Technology Control Regime (MTCR) to Canada. The GAO based its recommendation on a provision in the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 1991, which amended the Export Administration Act (EAA) of 1979 to require a license for any export of dual-use Missile Technology Control Regime (MTCR) controlled goods or technology to any country. In 1991, the Department of Commerce implemented the NDAA requirements in EAR by controlling MTCR Annex items on the Commerce Control List (CCL) under a new designated reason for control, “missile technology (MT)” and generally requiring a license for the export or reexport of these items and technologies. Many of these items were already on the CCL and controlled under foreign policy or national security reasons. However, the Department of Commerce did not revise the EAR’s existing license exemption for exports to Canada to require licenses for MT-controlled items to Canada. The license exemption for Canada existed in the

EAR many years prior to the enactment of the MT provisions of the EAA. Since the Hyde Park Declaration of 1941, the United States has authorized nearly all dual-use goods intended for consumption in Canada to be exported without a license, although any reexport of U.S.-origin items controlled for MT concerns from Canada would require a license from the U.S. Government. The Department of Commerce is interested in evaluating the impact on U.S. exporters of removing the existing licensing exemption for MT-controlled exports to Canada.

The current missile technology (MT) controls maintained by the Bureau of Export Administration (BXA) are set forth in the Export Administration Regulations (EAR), parts 742 (CCL Based Controls) and 744 (End-User and End-Use Based Controls). A regulatory implementation would entail adding an “X” in the row for Canada under the column from “MT 1” in the “Missile Tech” column of Supplement No. 1 to part 738, Commerce Country Chart. In addition, section 742.5 of the EAR would be revised to remove the phrase “except Canada” in the third sentence of paragraph (a)(1).

To ensure maximum public participation in the review process, comments are solicited for the next 60 days on the removal of the existing licensing exemption for the export of MT-controlled goods and technologies to Canada. BXA is particularly interested in the experience of individual exporters with the licensing exemption for MT-controlled exports to Canada, with emphasis on economic impact and specific business circumstances. BXA is also interested in industry information relating to the following:

1. Information on the effect of a licensing requirement for the export of MT-controlled items (commodities, software, and technology) to Canada on sales of U.S. products and market-share.
2. Information on joint-ventures or U.S. industry owned facilities in Canada that would be affected by the removal of a licensing exemption for the export of MT-controlled items to Canada.
3. Information on controls maintained by U.S. trade partners (i.e., to what extent do other MTCR Partners have similar exemptions for the export of MT-controlled goods and technology to other countries)?
4. Additional suggestions for revisions to the Canadian licensing exemption policy.
5. Data or other information as to the effect of a Canadian licensing requirement on overall trade, either for

individual firms or for individual industrial sectors.

Parties submitting comments are asked to be as specific as possible. Accordingly, the Department encourages interested persons who wish to comment to do it at the earliest possible time.

The period for submission of comments will close February 19, 2002. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the persons submitting the comments and will not consider them in the development of final regulations. All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. The Department requires comments be submitted in written form, which will be a matter of public record and will be available for public review and copying.

The public record concerning these comments will be maintained in the Bureau of Export Administration, Office of Administration, U.S. Department of Commerce, Room 6883, 14th and Constitution Avenue, NW, Washington, DC 20230; (202) 482-0637. This component does not maintain a separate public inspection facility. Requesters should first view BXA’s FOIA website (which can be reached through <http://www.bxa.doc.gov/foia>). If the records sought cannot be located at this site, or if the requester does not have access to a computer, please call the phone number above for assistance.

**List of Subjects in 15 CFR Parts 738 and 742**

Exports, Foreign trade.

Dated: December 14, 2001.

**James J. Jochum,**

*Assistant Secretary for Export Administration.*

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