

flooding. Conditions for this waiver were discussed in the proposed rule.

This rule implements these two new statutory amendments by revising the CRP regulations contained in 7 CFR part 1410. These changes will help ensure that the CRP is implemented in a fair and reasonable manner, and that participants are not penalized unjustly.

**Summary of Comments**

CCC did not receive any comments from the public concerning the proposed rule. Three comments came from one individual who is an FSA employee in Kansas. These comments were of an administrative nature and can be addressed in internal agency procedure.

**Substantive Changes From the Proposed Rule**

There were no substantive changes compared to the proposed rule.

**List of Subjects in 7 CFR Part 1410**

Conservation Reserve Program: administrative practices and procedures, agriculture, conservation plan, grazing lands, and natural resources.

For reasons set out in the preamble, 7 CFR part 1410 is amended as follows:

**PART 1410—CONSERVATION RESERVE PROGRAM**

1. The authority citation for 7 CFR part 1410 continues to read as follows:

**Authority:** 15 U.S.C. 714b and 714c; 16 U.S.C. 3801–3847.

2. In § 1410.2, the definition of “violation” is added to read as follows:

**§ 1410.2 Definitions.**

\* \* \* \* \*

*Violation* means an act by the participant, either intentional or unintentional, which would cause the participant to no longer be eligible for cost-share or annual contract payments.

\* \* \* \* \*

3. Section 1410.20(a) is revised to read as follows:

**§ 1410.20 Obligations of participant.**

\* \* \* \* \*

(a) \* \* \* (a)(2) Implement the conservation plan, which is part of such contract, in accordance with the schedule of dates included in such conservation plan unless the Deputy Administrator determines that the participant cannot fully implement the conservation plan for reasons beyond the participant’s control and CCC agrees to a modified plan. However, a contract will not be

terminated for failure to establish an approved vegetative or water cover on the land if as determined by the Deputy Administrator:

(i) The failure to plant or establish such cover was due to excessive rainfall or flooding;

(ii) The land subject to the contract on which the participant could practicably plant or establish to such cover is planted or established to such cover; and

(iii) The land on which the participant was unable to plant or establish such cover is planted or established to such cover after the wet conditions that prevented the planting or establishment subside.

\* \* \* \* \*

4. Section 1410.54 is revised to read as follows:

**§ 1410.54 Performance based upon advice or action of the Department.**

(a) The provisions of § 718.8 of this title relating to performance based upon the action or advice of a representative of the Department shall be applicable to this part, and may be considered as a basis to provide relief to persons subject to sanctions under this part to the extent that relief is not mandated by the other provisions of this section.

(b) Further, except as provided in paragraph (b) (3) of this section, and notwithstanding any other provision of this chapter, the Deputy Administrator may provide equitable relief to a participant who has entered into a contract under this chapter, and who is subsequently determined to be in violation of the contract, if the participant, in attempting to comply with the terms of the contract and enrollment requirements, took actions in good faith reliance upon the action or advice of an authorized USDA representative, as determined by the Deputy Administrator, provided:

(1) The Deputy Administrator determines that a participant has been injured by such good faith reliance, in which case, the participant may be authorized, as determined appropriate by the Deputy Administrator, to do any one or more of the following;

(i) Retain payments received under the contract;

(ii) Continue to receive payments under the contract;

(iii) Keep all or part of the land covered by the contract enrolled in the applicable program under this chapter;

(iv) Re-enroll all or part of the land covered by the contract in the applicable program under this chapter; or

(v) Any other equitable relief the Deputy Administrator deems appropriate.

(2) If relief under this section is authorized by the Deputy Administrator, the participant must take such actions as are determined by the Deputy Administrator to remedy any failure to comply with the contract.

(3) This section shall not apply to a pattern of conduct, as determined by the Deputy Administrator, in which an authorized USDA representative takes actions or provides advice with respect to a participant that the representative and the participant both know, or should have known, are inconsistent with applicable law (including regulations).

(4) Relief under this paragraph shall be available only for contracts in effect on January 1, 2000, or thereafter.

Signed at Washington, DC, on January 9, 2002.

**James R. Little,**  
*Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 02–1052 Filed 1–15–02; 8:45 am]

BILLING CODE 3410–05–P

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2001–SW–11–AD; Amendment 39–12597; AD 2002–01–06]

RIN 2120–AA64

**Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters**

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

**ACTION:** Final rule; request for comments.

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**SUMMARY:** This amendment adopts a new airworthiness directive (AD) for Eurocopter France Model AS332L2 helicopters. This action requires inspecting the main frame for a crack and repairing any unairworthy frame before further flight. This amendment is prompted by a report of cracks on the right-hand (RH) side of a main frame. This condition, if not corrected, could result in failure of the main frame and subsequent loss of control of the helicopter.

**DATES:** Effective January 31, 2002.

Comments for inclusion in the Rules Docket must be received on or before March 18, 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-11-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](mailto:9-asw-adcomments@faa.gov).

**FOR FURTHER INFORMATION CONTACT:** Jim Grigg, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193-0110, telephone (817) 222-5490, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified us that an unsafe condition may exist on Eurocopter France Model AS332L2 helicopters. The DGAC advises of cracks on the right-hand (RH) side of main frame 5295.

Eurocopter France has issued Alert Telex No. 53.01.28 R4, dated July 11, 2001 (Telex). This Telex specifies checking main frame 5295 and repairing any unairworthy main frame. The DGAC classified this Telex as mandatory and issued AD No. 2000-463-016(A), R4, dated September 5, 2001, to ensure the continued airworthiness of these helicopters in France.

We have identified an unsafe condition that is likely to exist or develop on other helicopters of the same type design should they become registered in the United States. This AD is being issued to prevent failure of the main frame and subsequent loss of control of the helicopter. This AD requires inspecting main frame 5295 within specified intervals and, before further flight, repairing any unairworthy main frame.

None of the helicopters affected by this action are on the U.S. Register. Non-U.S. operators under foreign registry currently operate all helicopters included in the applicability of this rule and, therefore, are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject helicopters are imported and placed on the U.S. Register in the future.

Should an affected helicopter be imported and placed on the U.S. Register in the future, it would require approximately 8 work hours to inspect main frame 5295 at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this AD would be \$480 to inspect each helicopter, assuming no crack was found.

Since this AD action does not affect any helicopter that is currently on the

U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

#### 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 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.

The regulations adopted herein will 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 final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that notice and prior public comment are unnecessary in promulgating this regulation; therefore, it can be issued immediately to correct an unsafe condition in aircraft since none of these model helicopters are registered in the United States. The FAA has also determined that this regulation 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, 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 a new airworthiness directive to read as follows:

#### 2002-01-06 Eurocopter France:

Amendment 39-12597. Docket No. 2001-SW-11-AD.

**Applicability:** Model AS332L2 helicopters, 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 failure of main frame 5295 and subsequent loss of control of the helicopter, accomplish the following:

(a) Within the next 50 hours time-in-service (TIS) for helicopters with 5000 or more hours TIS and before accumulating 5050 hours TIS for helicopters with less than 5000 hours TIS,

(1) At main frame 5295, remove the trim from the horizontal members at Z1350 on both sides of the helicopter.

(2) Visually inspect for a crack:

(i) Above the horizontal members at Z1350.

(ii) At the blending radii of the attachment ribs of the horizontal members below Z1350.

(b) After accomplishing paragraph (a) of this AD, thereafter, at intervals not to exceed 200 hours TIS, repeat the visual inspection required by paragraph (a) of this AD.

(c) Repair any unairworthy main frame 5295 before further flight.

**Note 2:** Eurocopter France Alert Telex No. 53.01.28 R4, dated July 11, 2001, pertains to the subject of this AD.

(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, Regulations Group, 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, Regulations Group.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

(e) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

(f) This amendment becomes effective on January 31, 2002.

**Note 4:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD No. 2000-463-016(A), R4, dated September 5, 2001.

Issued in Fort Worth, Texas, on January 4, 2002.

**David A. Downey,**  
Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 02-1056 Filed 1-15-02; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

**[Airspace Docket No. 01-AEA-23FR]**

**Establishment of Class E Airspace; Peninsula Regional Medical Center Heliport, Fruitland, MD**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Peninsula Regional Medical Center Heliport, Fruitland, MD. Development of an Area Navigation (RNAV), Helicopter RNAV331 approach, for the Peninsula Regional Medical Center Heliport, has made this action necessary. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain aircraft executing the approach to the Peninsula Regional Medical Center Heliport.

**EFFECTIVE DATE:** 0901 UTC December 27, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA-520, Air Traffic Division, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434-4809, telephone: (718) 553-4521.

**SUPPLEMENTARY INFORMATION:**

**History**

On August 28, 2001 a notice proposing to amend part 71 of the Federal Aviation Regulation (14 CFR part 71) by establishing Class E airspace extending upward from 700 feet Above Ground Level (AGL) for an RNAV, Helicopter RNAV331 approach to the Peninsula Regional Medical Center Heliport, MD, was published in the **Federal Register** (66 FR 45199-45200).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA on or before September 27, 2001. No comments to the proposal were received. The rule is adopted as proposed. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000 and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published in the Order.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) provides controlled Class E airspace extending upward from 700 feet above the surface for aircraft conducting Instrument Flight Rules (IFR) operations at the Peninsula Regional Medical Center Heliport, Fruitland, MD.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air

traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—[AMENDED]**

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§71.1 [AMENDED]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9J, Airspace Designations and Reporting Points, dated September 1, 2001 and effective September 16, 2001, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**AEA MD E5, Peninsula Regional Medical Center, Fruitland, MD [NEW]**

Peninsula Regional Medical Center Heliport  
(Lat 38°21'26" N., long. 75°35'34" W.)  
Point in Space Coordinates  
(Lat 38°19'22" N., long. 75°33'24" W.)

That airspace extending upward from 700 feet above the surface within a 6 miles radius of the point in space for the SIAP to the Peninsula Regional Medical Center Heliport, Fruitland, MD.

\* \* \* \* \*

Issued in Jamaica, New York on November 7, 2001.

**Richard J. Ducharme,**  
Assistant Manager, Air Traffic Division,  
Eastern Region.

[FR Doc. 02-1159 Filed 1-15-02; 8:45 am]

**BILLING CODE 4910-13-M**