

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### 7 CFR Part 1755

#### RUS Specification for Voice Frequency Loading Coils

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Rural Utilities Service (RUS) proposes to amend its regulations on Telecommunications Standards and Specifications for Materials, Equipment and Construction, by rescinding the current issue of RUS Bulletin 345-22, RUS Specification for Voice Frequency Loading Coils, PE-26. This specification has become outdated because of advancements made in the delivery of telecommunications services to rural subscribers. This bulletin is incorporated by reference in RUS telecommunications regulations. Therefore, RUS is requesting public comments on this proposed rescission.

**DATES:** Comments concerning this proposed rule shall be received by RUS or be postmarked no later than April 1, 2002.

**ADDRESSES:** Comments should be mailed to Gerald F. Nugent, Jr., Director, Telecommunications Standards Division, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 1598, Washington, DC 20250-1598. RUS requests an original and three copies of all comments (7 CFR part 1700). All comments received will be made available for public inspection at room 2905, South Building, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 1598 Washington, DC between 8 a.m. and 4 p.m. (7 CFR 1.27(b)).

**FOR FURTHER INFORMATION CONTACT:** Charlie I. Harper, Jr., Chief, Outside Plant Branch, Telecommunications Standards Division, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP

1598, Washington, DC 20250-1598, telephone (202) 720-0667.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

This proposed rule is exempt from the Office of Management and Budget (OMB) review for the purposes of Executive Order 12866 and, therefore has not been reviewed by OMB.

##### Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this proposed rule meets the applicable standards provided in section 3 of that Executive Order. In addition, all State and local laws and regulations that are in conflict with this rule will be preempted, no retroactive effect will be given to this rule, and, in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)), administrative appeal procedures, if any, must be exhausted before an action against the Department or its agencies may be initiated.

##### Regulatory Flexibility Act Certification

RUS has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The RUS telecommunications program provides loans to borrowers at interest rates and on terms that are more favorable than those generally available from the private sector. RUS borrowers, as result of obtaining federal financing, receive economic benefits that exceed any direct economic costs associated with complying with RUS regulations and requirements. Small entities are not subjected to any requirement which are not applied equally to large entities.

##### Information Collection and Recordkeeping Requirements

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

##### National Environmental Policy Act Certification

The Administrator of RUS has determined that this proposed rule will not significantly affect the quality of the

human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

##### Catalog of Federal Domestic Assistance

The program described by this proposed rule is listed in the Catalog of Federal Domestic Assistance programs under No. 10.851, Rural Telephone Loans and Loan Guarantees, and No. 10.852, Rural Telephone Bank Loans. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402-9325. Telephone (202) 512-1800.

##### Executive Order 12372

This proposed rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. See the final rule related notice entitled, "Department Programs and Activities Excluded from Executive Order 12372," (50 FR 47034).

##### Unfunded Mandates

This proposed rule contains no Federal mandates (under the regulatory provision of Title II of the Unfunded Mandates Reform Act) for State, local, and tribal governments or the private sector. Thus, this proposed rule is not subject to the requirements of section 202 and 205 of the Unfunded Mandates Reform Act.

##### Background

RUS issues publications titled "bulletins" which serve to guide borrowers regarding already codified policy, procedures, and requirements needed to manage loans, loan guarantee programs, and the security instruments which provide for and secure RUS financing. RUS issues standards and specifications for construction of telecommunications facilities financed with RUS loan funds. After review of RUS's bulletin and specification issuances, RUS has decided to propose to rescind the outdated RUS Bulletin 345-22, RUS Specification for Voice Frequency Loading Coils, PE-26, issued January 19, 1989. RUS felt rescission was the best option for this bulletin and welcomes public comment. This

bulletin is incorporated by reference at 7 CFR 1755.97.

RUS Bulletin 345–22, RUS Specification for Voice Frequency Loading Coils, PE–26, specifies the technical requirements for voice frequency loading coils that are used in aerial, direct burial, and underground plant installations. Since RUS borrowers are designing and constructing new plant facilities capable of handling both voice and data transmission which require that loop lengths be shorter than 18,000 feet, the installation of voice frequency loading coils in these new transmission facilities using these shorter loop lengths is no longer required. Therefore RUS is proposing to rescind this bulletin because of obsolescence.

#### List of Subjects in 7 CFR Part 1755

Loan programs-communications, Reporting and recordkeeping requirements, Rural areas, Telephone.

For reasons set out in the preamble, RUS proposes to amend Chapter XVII of title 7 of the Code of Federal Regulations as follows:

#### PART 1755—TELECOMMUNICATIONS STANDARDS AND SPECIFICATIONS FOR MATERIALS, EQUIPMENT AND CONSTRUCTION

1. The authority citation for part 1755 continues to read as follows:

**Authority:** 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

#### § 1755.97 [Amended]

2. Section 1755.97 is amended by removing the entry “RUS Bulletin No. 345–22” from the table.

Dated: January 14, 2002.

**Hilda Gay Legg,**

*Administrator, Rural Utilities Service.*

[FR Doc. 02–2298 Filed 1–30–02; 8:45 am]

**BILLING CODE 3410–15–P**

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration.

#### 14 CFR Chapter I

[Docket No.: FAA–2000–7623]

#### Review of Existing Regulations

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

**ACTION:** Disposition of comments on existing regulations.

**SUMMARY:** The FAA is notifying the public of the outcome of our periodic review of existing regulations. This action summarizes the public comments

we received and our responses to them. This action is part of our effort to make our regulatory program more effective and less burdensome.

**FOR FURTHER INFORMATION CONTACT:** Patrick W. Boyd, Office of Rulemaking, ARM–23, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–7320.

#### SUPPLEMENTARY INFORMATION:

#### Background

Under section 5 of Executive Order 12866, Regulatory Planning and Review, each agency has developed a program to periodically review its existing regulations to determine if they should be changed or eliminated. See 58 FR 51735, October 4, 1993. The purposes of the review are to make the agency’s regulatory program more effective in achieving the regulatory objectives and less burdensome. The FAA conducts its review on a three-year cycle.

On July 13, 2000, we published a document in the **Federal Register** asking the public to tell us which regulations we should amend, eliminate, or simplify. See 65 FR 43265. The document stated that we would consider the comments and adjust our regulatory priorities, consistent with our statutory responsibilities. The document also stated we would publish a summary of the comments and an explanation of how we would act on them.

#### Summary of Comments

In response to the July document, we received a total of 476 comments from 207 different commenters. The issue generating the most public comments is the proposed Aviation Noise Abatement Policy 2000, which we published in the **Federal Register** on July 14, 2000. See 65 FR 43802. The noise-related topics most frequently mentioned include the following:

- Noise levels,
- Day/night average sound levels,
- Local control,
- Minimum altitude requirements,
- Supersonic aircraft and sonic booms,
- National park overflights,
- The FAA’s and the public’s conflict of interest,
- Night flights, and
- General comments about the policy.

Overall, commenters are opposed to both the proposed policy and the growing noise problem and indicated that the FAA should do more to protect the public from aircraft noise. The commenters addressed the following specific issues:

- Reducing the current maximum noise allotment (decibel level is too high);
- Creating different noise levels for day and night;
- Giving communities more local control over noise policies;
- Increasing the minimum altitude requirements (many commenters specified 3,000 feet);
- Creating stricter regulations for supersonic aircraft and sonic booms, helicopters, and ultralights; and
- Banning or reducing the overflights of national parks to preserve the park and wildlife.

Other issues not related to the proposed noise policy that were raised by the commenters include the following:

- Age 60 rule: Commenters indicated that this rule causes age discrimination and, because of advances in medical technology, some people remain healthy and fit to fly after age 60.
- Agricultural aircraft flight operations: Commenters addressed the dispensing of chemicals and the differences in agricultural operations over congested areas versus noncongested areas.
- Annual aircraft inspections: Commenters favored an increase between aircraft inspections from 1 year to 1½, 2, or 3 years.
- Biennial flight reviews: Commenters stated that biennial flight reviews should be allowed in aircraft without fully functioning dual controls.
- Certification requirements for commercial pilots: Some commenters indicated that the regulations need to be clarified and need to have regulatory options for gliders, because gliders are different than other aircraft and some of the current regulations are irrelevant. Commenters also specifically requested clarification of solo requirements.
- Certification requirements for private pilots: Some commenters encouraged more night flying requirements, especially for training. Commenters also requested specific glider requirements.
- Commuter and on-demand flight operations: Commenters discussed takeoff, approach, and landing minimums and how long records should be kept on file.
- Drug and alcohol use, testing, and offenses: Some commenters believe charity airlifts and smaller flight operations should be excused from drug and alcohol testing requirements and that regulations concerning use of alcohol should be more restrictive with “zero tolerance.” Various commenters also requested clarification of the