

Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### *Paperwork Reduction Act*

This interim rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### **List of Subjects in 7 CFR Part 301**

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

#### **PART 301—DOMESTIC QUARANTINE NOTICES**

1. The authority citation for part 301 continues to read as follows:

**Authority:** 7 U.S.C. 166, 7711, 7712, 7714, 7731, 7735, 7751, 7752, 7753, and 7754; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

2. Section 301.89–15 is amended as follows:

a. In the introductory text of paragraph (a), by removing the last two sentences and by adding three sentences in their place to read as follows.

b. In the introductory text of paragraph (b), by removing the last two sentences and by adding two sentences in their place to read as follows.

c. By adding new paragraphs (d) and (e) to read as follows.

#### **§ 301.89–15 Compensation for growers, handlers, and seed companies in the 1999–2000 and subsequent crop seasons.**

(a) \* \* \* Growers and handlers of wheat grown in Oklahoma during the 2000–2001 growing season are eligible to receive compensation if the wheat was commingled in storage with wheat that meets the above requirements of this paragraph. Growers, handlers, and seed companies in areas under the first regulated crop season are eligible for compensation for 1999–2000 or subsequent crop season wheat and for wheat inventories in their possession that were unsold at the time the area became regulated. The compensation provided in this paragraph is for wheat grain, certified wheat seed, wheat held

back from harvest by a grower in the 2000–2001 growing season for use as seed in the next growing season, and wheat grown with the intention of producing certified wheat seed.

\* \* \* \* \*

(b) \* \* \* Growers, handlers, and seed companies in previously regulated areas will not be eligible for compensation for wheat from the 2001–2002 and subsequent crop seasons; except that, for growers or handlers of wheat harvested in any field in the Texas counties of Archer, Baylor, Throckmorton, and Young during the 2000–2001 crop season that has not been found to contain a bunted wheat kernel, this requirement applies to compensation for wheat from the 2002–2003 and subsequent crop seasons. The compensation provided in this paragraph is for wheat grain, certified wheat seed, and wheat grown with the intention of producing certified wheat seed.

\* \* \* \* \*

(d) *Special allowance for negative wheat grown in Archer, Baylor, Throckmorton, and Young Counties, TX, in the 2000–2001 growing season.* Notwithstanding any other provision of this section, wheat that was harvested from fields in Archer, Baylor, Throckmorton, or Young Counties, TX, in the 2000–2001 growing season, and that tested negative for Karnal bunt after harvest, is eligible for compensation in accordance with paragraph (a) of this section.

(e) *Special allowance for disposal costs for treated uncertified wheat seed in Archer, Baylor, Throckmorton, and Young Counties, TX, in the 2000–2001 growing season.* Notwithstanding any other provision of this section, growers in Archer, Baylor, Throckmorton, or Young Counties, TX, who own treated uncertified wheat seed that tested positive for Karnal bunt spores during the 2000–2001 growing season are eligible for compensation in accordance with this paragraph. The grower is eligible for compensation for the costs of disposing of such wheat seed, by burial on the grower's premises, by burial at a landfill, or through another means approved by APHIS. The compensation for disposing of wheat seed by burial on the grower's premises is \$1.00 per bushel. The compensation for disposing of wheat seed by burial at a landfill, or through another means approved by APHIS, is the actual cost of disposal, up to \$1.20 per bushel, as verified by receipts for disposal costs. To apply for this compensation, the grower must submit a Karnal Bunt Compensation Claim form, provided by FSA, and must

also submit a copy of the Karnal bunt certificate issued by APHIS that shows the Karnal bunt test results, and verification as to the actual (not estimated) weight of the uncertified wheat seed that tested positive for spores (such as a copy of a facility weigh ticket, or other verification). For seed disposed of by burial at a landfill the grower must also submit one or more receipts for the disposal costs of the uncertified wheat seed, showing the total bushels destroyed and the total disposal costs (landfill fees, transportation costs, etc.).

(Approved by the Office of Management and Budget under control number 0579–0182)

Dated: Done in Washington, DC, this 26th day of April 2002.

**Bill Hawks,**

*Under Secretary for Marketing and Regulatory Programs.*

[FR Doc. 02–10723 Filed 4–30–02; 8:45 am]

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#### **DEPARTMENT OF ENERGY**

#### **Office of Energy Efficiency and Renewable Energy**

#### **10 CFR Part 430**

**[Docket Number EE–RM/TP–99–500]**

**RIN 1904–AB04**

#### **Energy Conservation Program for Consumer Products: Test Procedure for Dishwashers; Correction**

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Final rule; correction.

**SUMMARY:** The Department of Energy (DOE) published a final rulemaking amending its test procedure for dishwashers on December 18, 2001. This document corrects the test procedure in the amendatory language of that rulemaking and makes revisions to a reference to an appendix section and to the equations for determining the water energy consumption per cycle using gas-heated or oil-heated water.

**EFFECTIVE DATE:** June 17, 2002.

#### **FOR FURTHER INFORMATION CONTACT:**

Barbara Twigg, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE–41, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202) 586–8714, email: [barbara.twigg@ee.doe.gov](mailto:barbara.twigg@ee.doe.gov), or Francine Pinto, Esq., U.S. Department of Energy, Office of General Counsel, GC–72, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202)

586-7432, email:  
 francine.pinto@hq.doe.gov.

**SUPPLEMENTARY INFORMATION:** This document corrects the test procedure in a final rule published in the **Federal Register** on December 18, 2001 (66 FR 65091), regarding Energy Conservation Program for Consumer Products: Test Procedure for Dishwashers. This correction revises a reference to an appendix section and revises the equations for determining the water energy consumption per cycle using gas-heated or oil-heated water.

In rule document FR Doc. 01-18429, appearing on page 65091, in the issue of Tuesday, December 18, 2001, the following corrections are made:

#### PART 430—[CORRECTED]

##### § 430.23 [Corrected]

1. On page 65096 in the first column, § 430.23(c)(1)(ii)(B) is corrected to read as follows:

(B) For dishwashers not having a truncated normal cycle,  
 $E_{AOE} = N \times D_e \times E_n$   
 where,  $N$  and  $D_e$  are defined in paragraph (c)(1)(i) of this section,  
 $E_n$ = the total electrical energy consumption per cycle for the normal cycle as defined in section 1.5 of appendix C, in kilowatt-hours and determined according to section 5.4 of appendix C to this subpart,

$E_t$ = the total electrical energy consumption per cycle for the truncated normal cycle, in kilowatt-hours and determined according to section 5.4 of appendix C to this subpart.”

2. On page 65097 in the second column, in Appendix C to Subpart B of Part 430, Sections 5.3, 5.3.1, and 5.3.2 are corrected to read as follows:

“5.3 Water energy consumption per cycle using gas-heated or oil-heated water. Determine the water energy consumption for dishwashers according to sections 5.3.1 and 5.3.2 of this Appendix. Use the notation  $W_n$  for a test of the normal cycle or  $W_t$  for a test of the truncated normal cycle. Note that gas-heated or oil-heated water was used.

5.3.1 Dishwashers that operate with a nominal 140° F inlet water temperature, only. For each test cycle, calculate the water energy consumption using gas-heated or oil-heated water,  $W$ , expressed in btu's per cycle and defined as:

$$W = V \times T \times C/e$$

where,

$V$  = reported water consumption in gallons per cycle, as measured in section 4.3 of this Appendix,

$T$  = nominal water heater temperature rise = 90° F,  
 $C$  = specific heat of water in btu's per gallon per degree Fahrenheit = 8.2,  
 $e$  = nominal gas or oil water heater recovery efficiency = 0.75.

5.3.2 *Dishwashers that operate with a nominal inlet water temperature of 120° F.* For each test cycle, calculate the water energy consumption using gas heated or oil heated water,  $W$ , expressed in btu's per cycle and defined as:

$$W = V \times T \times C/e$$

where,

$V$  = reported water consumption in gallons per cycle, as measured in section 4.3 of this Appendix,

$T$  = nominal water heater temperature rise = 70° F,

$C$  = specific heat of water in btu's per gallon per degree Fahrenheit = 8.2,  
 $e$  = nominal gas or oil water heater recovery efficiency = 0.75. “

Issued in Washington, DC, on April 26, 2002.

**David K. Garman,**

*Assistant Secretary for Energy Efficiency and Renewable Energy.*

[FR Doc. 02-10695 Filed 4-30-02; 8:45 am]

**BILLING CODE 6450-01-P**

consequent reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Effective May 16, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 16, 2002.

Comments for inclusion in the Rules Docket must be received on or before May 31, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2002-NM-68-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via the Internet must contain “Docket No. 2002-NM-68-AD” in the subject line and need not be submitted in triplicate. Comments sent via fax or the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Robert Capezzuto, 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) 703-6071; fax (770) 703-6097.

**SUPPLEMENTARY INFORMATION:** The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB-135 and -145 series airplanes. The DAC advises that reports have been received indicating loss of the set point of the actuator clutches of the primary and backup systems of the horizontal stabilizer. This condition, if not corrected, could result

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-NM-68-AD; Amendment 39-12730; AD 2002-08-18]

**RIN 2120-AA64**

#### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes

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

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB-135 and -145 series airplanes. This action requires repetitive inspections (tests) of the actuator clutches of the primary and backup pitch trim systems of the horizontal stabilizer for proper pitch trim indications, and replacement of the actuator, if necessary. This action is necessary to prevent loss of pitch trim command during the takeoff and climb phase of flight due to improper set point of the actuator clutches, which could result in high pitch control forces and