

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, Incorporation by reference, 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 the following new airworthiness directive:

**2002-11-11 Boeing: Amendment 39-12772.**  
Docket 2002-NM-133-AD.

**Applicability:** Model 767-200, -300, and -300F series airplanes with non-fully-enclosed cargo floors in the lower cargo areas; certificated in any category. A fully enclosed cargo floor is a floor with panels installed between all roller trays in the cargo compartment. A non-fully-enclosed cargo floor is a floor without panels installed between all roller trays in the cargo compartment.

**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 (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 a fire in the airplane due to overheating of heater tape on potable water lines and drain lines, which may ignite combustible debris or contaminants which have accumulated on or near the potable water and drain lines, accomplish the following:

#### Compliance Time

(a) Within 18 months after date of delivery of the airplane, or within 90 days after the effective date of this AD, whichever occurs later: Accomplish paragraphs (b) and (c) of this AD.

#### Removal of Debris

(b) Perform a one-time general visual inspection for foreign object debris (FOD) or contamination in visually accessible areas on or near potable water and drain lines located below the cargo floor in the forward and aft cargo compartments, in accordance with Boeing Alert Service Bulletin 767-30A0037, dated May 28, 2002. If FOD or contamination is observed on or near the potable water or drain lines, prior to further flight, remove it in accordance with the service bulletin.

**Note 2:** The visual inspection of potable water and drain lines in visually accessible areas does not require removal of floor panels.

**Note 3:** For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

#### Inspection of Potable Water and Drain Lines

(c) As indicated in paragraphs (c)(1) and (c)(2) of this AD, perform a general visual inspection of visually accessible areas for discrepancies of potable water and drain lines located below the cargo floor in the forward and aft cargo compartments, in accordance with Boeing Alert Service Bulletin 767-30A0037, dated May 28, 2002.

(1) Inspect potable water and drain lines for indications of overheating of the heater tape, such as localized darkening of foam insulation or protective tape. If such an indication of overheating is observed, prior to further flight, replace the defective heater tape in accordance with the service bulletin, removing floor panels as necessary to replace the defective heater tape.

(2) Inspect potable water and drain lines for missing or damaged protective tape and exposed foam insulation. If exposed foam insulation is observed, prior to further flight, cover the foam insulation with a continuous wrap of protective tape, in accordance with the service bulletin. If protective tape is observed to be missing or damaged, prior to further flight, replace the protective tape in accessible areas in accordance with the service bulletin. It is not necessary to remove floor panels to replace the protective tape.

#### Alternative Methods of Compliance

(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, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note 4:** Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Seattle ACO.

#### Special Flight Permits

(e) Special flight permits may be issued in accordance with §§ 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

(f) The actions shall be done in accordance with Boeing Alert Service Bulletin 767-30A0037, dated May 28, 2002. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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.

#### Effective Date

(g) This amendment becomes effective on June 24, 2002.

Issued in Renton, Washington, on May 29, 2002.

**Vi L. Lipski,**

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

[FR Doc. 02-14129 Filed 6-6-02; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. 2002-SW-10-AD; Amendment 39-12771; AD 2002-11-10]**

#### RIN 2120-AA64

#### Airworthiness Directives; Sikorsky Model S-70A and S-70C Helicopters

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

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

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD) for Sikorsky Model S-70A and S-70C helicopters. That AD currently requires inspecting a certain part-numbered main landing gear drag beam (beam) for a crack, removing any cracked beam before further flight, and reducing the torque of the jackpad mounting bolt retention nut (nut) of each beam. This amendment contains the same actions but requires those actions for another beam part number (P/N). This amendment is prompted by the inadvertent omission in the current AD

of the additional beam that is susceptible to failure due to stress corrosion resulting from sustained excessive tensile stress due to excessive torque of the nut. The actions specified by this AD are intended to prevent excessive torque of the nut, failure of a beam, and subsequent loss of control of the helicopter during takeoff or landing.

**DATES:** Effective June 24, 2002.

Comments for inclusion in the Rules Docket must be received on or before August 6, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2002-SW-10-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:** Terry Fahr, Aviation Safety Engineer, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238-7155, fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** On December 11, 2001, the FAA issued AD 2001-25-08, Amendment 39-12561 (66 FR 65102, December 18, 2001), to require certain inspections of each beam, P/N 70250-32105, for a crack, removing any cracked beam before further flight, and reducing the torque of the nut on each beam. That action was prompted by the failure of a beam due to stress corrosion resulting from sustained excessive tensile stress due to excessive torque on the nut. That condition, if not corrected, could result in excessive torque of the nut, failure of a beam, and subsequent loss of control of the helicopter during takeoff or landing.

Since the issuance of that AD, the FAA received a comment from the manufacturer stating that paragraph (a) of the AD should also apply to beam, P/N 70250-12105. The FAA agrees, and this superseding AD adds beam, P/N 70250-12105, to paragraph (a).

This unsafe condition is likely to exist or develop on other helicopters of these same type designs. Therefore, this AD supersedes AD 2001-25-08 to contain the same requirements but to add the beam, P/N 70250-12105, to paragraph (a) of this AD.

The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability and structural integrity of the helicopter. Therefore, within 30 hours time-in-service, the following actions are

required, and this AD must be issued immediately:

- Visually inspect each beam for a crack.
- If a crack is found, remove the beam before further flight.
- If a crack is suspected, dye-penetrant inspect the beam, and if a crack is found, remove the beam before further flight.
- If no crack is found, reduce the torque on the nut.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable and that good cause exists for making this amendment effective in less than 30 days.

The FAA estimates that 3 helicopters currently type certificated in the United States (U.S.) will be affected by this AD, that it will take approximately 4 work hours to inspect the beam, to reduce the torque on each nut, and to replace a cracked beam. The average labor rate is \$60 per work hour. Required parts will cost approximately \$18,600 per beam. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$56,520, assuming you replace one beam on each U.S. helicopter and assuming that no other helicopter listed in the "applicability" will be type certificated in the U.S.

#### 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.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2002-SW-10-AD." The postcard will be date stamped and returned to the commenter.

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 this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it 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 removing Amendment 39-12561 (66 FR 65102, December 18, 2001), and by adding a new airworthiness directive (AD), Amendment 39-12771, to read as follows:

**2002-11-10 Sikorsky Aircraft Corporation:**

Amendment 39-12771. Docket No.

2002-SW-10-AD. Supersedes AD 2001-25-08, Amendment 39-12561, Docket No. 2001-SW-18-AD.

**Applicability:** Model S-70A helicopters, serial numbers (S/N) 700029, 701129, 701322, 701325, 701327, 701329, 701331, 701333, 701592, 701593, 701594, 701595, 701613, 701614, 701825, 701835, 702127, and 702129, and Model S-70C helicopters, S/N 70583, 70785, 70788, 70792, 70793, 70794, 70797, 70798, 70799, 70800, 70811, 70812, 70813, 70830, 70831, 70836, 70837, 70848, 70855, 70856, 70867, 70868, 70879, 70884, 70892, 70910, 70918, 70927, 70928, 70929, 70949, 70950, 70951, 70954, 70957, 70958, 70959, 70965, 70966, and 701029, 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 (c) 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 within 30 hours time-in-service, unless accomplished previously.

To prevent excessive torque on a jackpad mounting bolt retention nut (nut), failure of a main landing gear drag beam (beam), and subsequent loss of control of the helicopter during takeoff or landing, accomplish the following:

(a) With jackpad installed, using a 10X or higher magnifying glass, visually inspect each beam, part number (P/N) 70250-12105 or 70250-32105, for a crack at a 3.0-inch radius around the upper and lower jackpad holes.

(1) If a crack is found, remove the beam.

(2) If a crack is suspected, dye-penetrant inspect the beam, and if a crack is found, remove the beam.

**Note 2:** Temporary Revision No. 19 of Sikorsky Aircraft Model S-70 Maintenance Manual, dated January 23, 2001, pertains to the subject of this AD.

(b) If a crack is not found while accomplishing the requirements of paragraph (a) of this AD, retorque the nut, P/N MS21245-L12, on each beam as follows:

(1) Restrain the jackpad and rotate the nut counterclockwise to release the torque on the nut. If movement of the jackpad occurs, remove and replace the sealant from the lower surface of the jackpad/beam interface.

(2) Retorque the nut to 45–50 ft-lbs.

(3) Apply sealant to the nut and the immediate area.

(4) After sealant has dried, touch up the paint as required.

(5) After the paint has dried, apply a slippage mark (of a contrasting color) to the nut as follows:

(i) Wipe the area to be marked with a clean-lint-free cloth.

(ii) Apply F1000 Sentry Seal, or equivalent, with a width of approximately one half the diameter of the nut (to a maximum width of  $\frac{3}{16}$  inch) and extending a minimum of  $\frac{1}{2}$  inch on the base part (or to the edge of the part, whichever is smaller).

**Note 3:** Sikorsky Alert Service Bulletin No. 70-03-2, dated July 26, 1999, pertains to the subject of this AD.

(c) 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, Boston Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Inspector, who may concur or comment and then send it to the Manager, Boston Aircraft Certification Office.

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Boston Aircraft Certification Office.

(d) 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.

(e) This amendment becomes effective on June 24, 2002.

Issued in Fort Worth, Texas, on May 28, 2002.

**David A. Downey,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 02-14249 Filed 6-6-02; 8:45 am]

**BILLING CODE 4910-13-P**

## FEDERAL TRADE COMMISSION

### 16 CFR Part 305

#### Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Trade Commission ("Commission") amends the Commission's Appliance Labeling Rule ("Rule") to incorporate the latest figures for average unit energy costs as published by the Department of Energy ("DOE") in the *Federal Register* on April 24, 2002. This rule sets forth the representative average unit energy costs

for five residential energy sources, which the Commission revises periodically on the basis of updated information provided by DOE.

**DATES:** The amendments are effective June 7, 2002. The mandatory dates for using these revised DOE cost figures in connection with the Appliance Labeling Rule are detailed in the Supplementary Information Section.

#### FOR FURTHER INFORMATION CONTACT:

Hampton Newsome, Attorney, 202-326-2889, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580; E-mail: [hnewsome@ftc.gov](mailto:hnewsome@ftc.gov).

#### SUPPLEMENTARY INFORMATION:

On November 19, 1979, the Commission issued a final rule in response to a directive in section 324 of the Energy Policy and Conservation Act ("EPCA"), 42 U.S.C. 6201.<sup>1</sup> The Rule requires the disclosure of energy efficiency, consumption, or cost information on labels and in retail sales catalogs for eight categories of appliances, and mandates that the energy costs, consumption, or efficiency ratings be based on standardized test procedures developed by DOE. The cost information obtained by following the test procedures is derived by using the representative average unit energy costs provided by DOE. Table 1 in section 305.9(a) of the Rule sets forth the representative average unit energy costs to be used for all cost-related requirements of the Rule. As stated in section 305.9(b), the Table is to be revised periodically on the basis of updated information provided by DOE.

#### I. Representative Average Unit Energy Costs

On April 24, 2002, DOE published the most recent figures for representative average unit energy costs (67 FR 20104). These energy cost figures are for manufacturers to use, in accordance with the guidelines that appear below, to calculate the required secondary annual operating cost figures at the

<sup>1</sup> 44 FR 66466. Since its promulgation, the Rule has been amended five times to include new product categories—central air conditioners (52 FR 46888, Dec. 10, 1987), fluorescent lamp ballasts (54 FR 1182, Jan. 12, 1989), certain plumbing products (58 FR 54955, Oct. 25, 1993), certain lamp products (59 FR 25176, May 13, 1994), and pool heaters and certain residential water heater types (59 FR 49556, Sept. 28, 1994). Obligations under the Rule concerning fluorescent lamp ballasts, lighting products, plumbing products and pool heaters are not affected by the cost figures in this notice.