

agency to any course of action in the future.

Regulatory Impact

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule 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, the notice of proposed rulemaking, Docket 2001–NM–93–AD, published in the **Federal Register** on October 30, 2001 (66 FR 54727), is withdrawn.

Issued in Renton, Washington, on July 11, 2002.

Lirio Liu-Nelson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–18200 Filed 7–18–02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–104–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000, SAAB SF340A, and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Saab Model SAAB 2000, SAAB SF340A, and SAAB 340B series airplanes. This proposal would require replacing the main pitot static tube on each side of the airplane with a new improved pitot static tube, and installing a gasket between the tube and the airplane structure. This action is necessary to prevent ice from blocking the pitot system, due to the pitot tube not having enough heating capacity to stay above freezing temperature, which could result in erroneous airspeed indications. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by August 19, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–104–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 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-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain “Docket No. 2002–NM–104–AD” in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic,

environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket Number 2002–NM–104–AD.” The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–104–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority for Sweden, notified the FAA that an unsafe condition may exist on all Saab Model SAAB 2000, SAAB SF340A, and SAAB 340B series airplanes. The LFV advises that operators have reported a number of events involving incorrect airspeed indications. A typical scenario is that, during descent from cruise altitude, one or more airspeed indicators incorrectly show gradually decreasing airspeed. At lower altitudes, the correct airspeed is again displayed, and on the ground, no faults can be found. System analysis indicates that, in the scenario described above, a freezing temperature is present in the pitot pressure lines inside the pitot static tube. This condition, if not corrected, could result in ice blocking the pitot system, due to the pitot tube not having enough heating capacity to stay above freezing temperature, which could result in erroneous airspeed indications.

Explanation of Relevant Service Information

Saab has issued Service Bulletin 2000–34–060 (for Model SAAB 2000 series airplanes) and Service Bulletin 340–34–145 (for Model SAAB SF340A and SAAB 340B series airplanes), both dated October 1, 2001, which describe procedures for replacing the main pitot static tube on each side of the airplane with a new improved pitot static tube with increased heating. The service bulletins also describe procedures for installing a new gasket between the tube

and the airplane structure that will increase thermal insulation. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The LfV classified these service bulletins as mandatory and issued Swedish airworthiness directive 1-166 (for all Model SAAB 2000 series airplanes), dated October 1, 2001; and Swedish airworthiness directive 1-167 (for all Model SAAB SF340A and SAAB 340B series airplanes), dated October 1, 2001; in order to assure the continued airworthiness of these airplanes in Sweden.

FAA's Conclusions

These airplane models are manufactured in Sweden and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LfV has kept the FAA informed of the situation described above. The FAA has examined the findings of the LfV, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 312 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed replacement, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$13,400 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$4,330,560, or \$13,880 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD

rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would 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 proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting 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.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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:

Saab Aircraft AB: Docket 2002-NM-104-AD.

Applicability: All Model SAAB 2000, SAAB SF340A, and SAAB 340B series airplanes, certificated in any category.

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 (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 as indicated, unless accomplished previously.

To prevent ice from blocking the pitot system, due to the pitot tube not having enough heating capacity to stay above freezing temperature, which could result in erroneous airspeed indications, accomplish the following:

Replacement

(a) Within 12 months from the effective date of this AD, replace the main pitot static tube on each side of the airplane with a new improved pitot static tube, and install a gasket between the tube and the airplane structure; per the Accomplishment Instructions of Saab Service Bulletin 340-34-145 (for Model 340A and 340B series airplanes) or Saab Service Bulletin 2000-34-060 (for Model 2000 series airplanes), both dated October 1, 2001; as applicable.

Spares

(b) As of the effective date of this AD, no person shall install any static pitot tube having part number 856ML1 or 856ML2, on any airplane.

Alternative Methods of Compliance

(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, International Branch, ANM-116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 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.

Note 3: The subject of this AD is addressed in Swedish airworthiness directives 1-166 and 1-167, both dated October 1, 2001.

Issued in Renton, Washington, on July 11, 2002.

Lirio Liu-Nelson,

Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[DEA-222A]

RIN 1117-AA64

Chemical Mixtures Containing gamma-Butyrolactone

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration (DEA) is soliciting information on chemical mixtures that contain the List I chemical gamma-butyrolactone (GBL). Specifically, DEA is interested in learning what products contain GBL, and what concentrations of GBL and other chemicals are used in their formulations. DEA is also interested in how chemical mixtures containing GBL are packaged, distributed, used, and their availability at the retail level. DEA is seeking this information to help determine whether there are chemical mixtures (as defined in 21 U.S.C. 804(40)) containing GBL which should be exempt from the regulations governing listed chemicals, pursuant to 21 U.S.C. 802(39)(A)(v). Exempt chemical mixtures are those formulations that contain any listed chemical, but are not subject to the regulatory controls of the Controlled Substances Act (CSA) that pertain to listed chemicals.

On September 16, 1998, DEA published a notice of proposed rulemaking in the **Federal Register** (63 FR 49506) that proposed regulations to define exempt chemical mixtures. Because GBL was not then a listed chemical, regulations defining potential exempt chemical mixtures were not proposed. The information being requested in this advance notice of proposed rulemaking (ANPRM) will be used to help propose regulations to define what chemical mixtures containing GBL may be exempt.

DATES: Written comments must be submitted on or before September 17, 2002.

ADDRESSES: Comments should be submitted to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT:

Frank L. Sapienza, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537; Telephone (202) 307-7183.

SUPPLEMENTARY INFORMATION:

What Is GBL and How Is It Used?

GBL is gamma-butyrolactone, an important industrial chemical. It is also a List I chemical used in the illicit production of gamma-hydroxybutyric acid (GHB), a Schedule I controlled substance (21 U.S.C. 812(c)). GBL is produced domestically in tens of thousands of tons per year. The legitimate manufacturers of GBL consume most of it for conversion into other industrial chemicals. The remaining amount is used in other industries with application to agriculture, electronics, textiles, coatings, and various other areas. Pure GBL has no household uses and is not available for sale at the retail level. However, it may be a component in some products sold at the retail level such as paint strippers.

How and Why Is GBL Regulated by DEA?

GBL has been identified as the principal precursor used in the clandestine manufacture of the Schedule I controlled substance GHB. Public Law 106-172, the "Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999," amended 21 U.S.C. 802(34) be designating GBL as a List I chemical. Since February 18, 2000, GBL has been subject to CSA regulatory controls. The CSA requires that all handlers of GBL must register as set forth in Title 21, Code of Federal Regulations (CFR), part 1309 and keep records and make reports as set forth in 21 CFR part 1310. Currently, only, GBL, but not its chemical mixtures, is subject to these controls. Until regulations which delineate criteria and procedures for exempting specific GBL-containing chemical mixtures are finalized, according to 21 U.S.C. 802(39)(4)(v), DEA has treated GBL-containing chemical mixtures as being exempt from the chemical regulatory requirements of the CSA.

Why Is DEA Interested in Learning About Chemical Mixtures Containing GBL?

DEA is in the process of establishing regulations that define which chemical mixtures are exempt from CSA regulatory controls. The CSA defines the term "chemical mixture" as "a combination of two or more chemical substances, at least one of which is not a List I chemical or a List II chemical, except that such term does not include any combination of a List I chemical or a List II chemical with another chemical that is present solely as an impurity." The CSA further allows exemption of chemical mixtures "based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered."

A notice of proposed rule making (NPRM) regarding the exemption of chemical mixtures was published in the **Federal Register** on September 16, 1998 (63 FR 49506). The NPRM proposed regulations to identify if a chemical mixture is automatically exempt from CSA regulatory controls. When the NPRM was published, GBL was not a regulated chemical. Therefore, regulations addressing the exemption of chemical mixtures containing GBL were not proposed.

The NPRM proposed a concentration limit for each listed chemical. If a listed chemical is found in a chemical mixture at or below the concentration limit, the mixture is exempt. Also proposed were categories of exempt chemical mixtures and an application process. The application process is a means to exempt chemical mixtures not automatically exempted by regulation. These approaches were well received by the regulated industry and may be proposed to identify exempt chemical mixtures containing GBL.

What Is DEA Requesting in This ANPRM?

To propose regulations in line with the above approaches, DEA is interested in learning about formulations that contain GBL. While some formulations containing GBL have been identified, DEA is not aware of the entire scope of mixtures containing GBL, including how they are used, traded, and their chemical composition. DEA invites all interested persons to provide the Administration with any information on chemical mixtures containing GBL. Both quantitative and qualitative information is requested. If the concentration of a chemical(s) varies in a formulation, DEA