

under the Order. The changes will not impose additional reporting or collecting requirements. No relevant Federal rules have been identified that duplicate, overlap, or conflict with this rule.

Accordingly, pursuant to 5 U.S.C. 605(b), the Agricultural Marketing Service has certified that this rule will not have a significant economic impact on a substantial number of small entities. In fact, this rule will reduce the small entities affected by 60.

#### Executive Order 12866 and 12988

This final rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by OMB.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect. This rule will not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Fluid Milk Promotion Act of 1990, as amended, authorizes the Fluid Milk Promotion Order. The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 1999K of the Act, any person subject to a Fluid Milk Promotion Order may file with the Secretary a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with the law and request a modification of the Order or to be exempted from the Order. A person subject to an order is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided a complaint is filed not later than 20 days after the date of the entry of the ruling.

#### Statement of Consideration

This document amends certain provisions of the Fluid Milk Promotion Order to conform with legislative changes of the recently enacted Farm Security and Rural Investment Act of 2002. Section 1506 of the Act amends sections 1999C, 1999C(4), and 1999O of the Fluid Milk Promotion Act of 1990, as amended, thereby necessitating revisions to certain provisions of the Fluid Milk Promotion Order. The 2002 Farm Bill also removed from the Fluid Milk Promotion Act the order

termination date provision. The provision provided that the Order be terminated on December 31, 2002. This amendment does not require a change to the Order. The following order provisions are revised:

1. In § 1160.107, the term *fluid milk product* is redefined in conformance with the Act to provide the same definition that is specified in Federal milk marketing orders (7CRF 1000.15); and

2. In § 1160.108, the definition of *fluid milk processor* is modified to increase the exemption standard from 500,000 pounds to 3,000,000 pounds of fluid milk products processed and marketed commercially in consumer-type packages in the 48 contiguous States and the District of Columbia, excluding fluid milk products delivered to the residence of consumers. Accordingly, those fluid milk processors who process and market commercially more than 3,000,000 pounds of such fluid milk products per month shall pay the mandatory 20-cent per hundredweight assessment on all fluid milk products marketed.

This action is necessary to conform the Order to provisions in the Farm Security and Rural Investment Act of 2002. The amendments are made final in this action as provided in Section 1601 of the Act, and for the same reason, good cause exists for making this rule effective on August 1, 2002. To do otherwise would be impracticable, unnecessary, and contrary to the public interest.

#### List of Subjects in 7 CFR Part 1160

Fluid milk, Milk, Promotion.

For the reasons set forth in the preamble, 7 CFR part 1160 is amended as follows:

#### PART 1160—FLUID MILK PROMOTION PROGRAM

1. The authority citation for 7 CFR Part 1160 continues to read as follows:

**Authority:** 7 U.S.C. 6401–6417.

2. Section 1160.107 is revised to read as follows:

#### § 1160.107 Fluid milk product.

*Fluid milk product* means any product that meets the definition provided in § 1000.15 for milk marketing orders issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. 601–674.

3. In § 1160.108, paragraphs (b) and (c), the number "500,000" is revised to read "3,000,000" and paragraph (a) is revised to read as follows:

#### § 1160.108 Fluid milk processor.

(a) *Fluid milk processor* means any person who processes and markets commercially fluid milk products in consumer-type packages in the United States (excluding fluid milk products delivered directly to the place of residence of a consumer), except that the term fluid milk processor shall not include in each of the respective fiscal periods those persons who process and market not more than 3,000,000 pounds of such fluid milk products during the representative month, which shall be the first month of the fiscal period.

\* \* \* \* \*

Dated: July 29, 2002.

**A.J. Yates,**  
*Administrator.*

[FR Doc. 02-19469 Filed 7-31-02; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2000-8460; Amdt. No. 39-9474]

**RIN 2120-AH17**

#### Airworthiness Directives: Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains a correction to the final rule, published in the **Federal Register** on July 22, 2002 (67 FR 47998). That final rule incorporates several standard provisions previously included in most airworthiness directives into the Code of Federal Regulations. FAA will no longer include these provisions in individual airworthiness directives. FAA is taking this action to standardize the way we write airworthiness directives. This action will enhance aviation safety by making it easier for users to focus on specific safety concerns addressed in airworthiness directives.

**DATES EFFECTIVE:** August 21, 2002.

**FOR FURTHER INFORMATION CONTACT:** Donald Byrne, (202) 267-3073.

#### Correction of Publication

In the final rule FR Doc. 02-17743, beginning on page 47998 in the **Federal Register** issue of July 23, 2002, make the following corrections:

1. On page 47998, in column 1, in the heading section, beginning on line 6, correct "RIN 2120-AH64" to read "RIN 2120-AH17".

Dated: Issued in Washington, DC on July 25, 2002.  
**Donald P. Byrne,**  
*Assistant Chief Counsel, Regulations Division.*  
[FR Doc. 02-19366 Filed 7-31-02; 8:45 am]  
**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NE-23-AD; Amendment 39-12833; AD 2002-15-05]

RIN 2120-AA64

#### Airworthiness Directives; Turbomeca Makila 1 A, 1 A1, and 1 A2 Turboshaft Engines

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

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to Turbomeca Makila 1 A, 1 A1, and 1 A2 turboshaft engines. This action requires replacing certain digital electronic control units (DECU's) and electronic control units (ECU's) with modified DECU's and ECU's. This amendment is prompted by a report of an uncontained engine turbine wheel failure and the subsequent loss of control of the helicopter. The actions specified in this AD are intended to prevent an engine overspeed condition resulting from the failure of two or more NTL channels.

**DATES:** Effective August 16, 2002. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of August 16, 2002.

Comments for inclusion in the Rules Docket must be received on or before September 30, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001-NE-23-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may be inspected at this location, by appointment, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov". Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from

Turbomeca, 40220 Tarnos, France; telephone (33) 05 59 74 40 00; fax (33) 05 59 74 45 15. This information may be examined, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Glorianne Niebuhr, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7132; fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** The Direction Generale De L'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on Turbomeca Makila 1 A, 1 A1, and 1 A2 turboshaft engines. The DGAC advises that there has been an accident in which the helicopter experienced an engine overspeed, which resulted in an uncontained power turbine burst and the failure of both engines. Investigation has determined that the power turbine overspeed was caused by a failure of an engine-to-main gearbox (MGB) connection. One of the two failed NTL channels could be selected by the ECU and used to set the gas generator (Ng) demand, which in turn could cause an overspeed condition. Modification TU 203 to the ECU's that are used on the Makila 1 A and 1 A1 turboshaft engines improves failure detection of the ECU and simulates a fixed power turbine speed (Npt) if two of the three channels fail. Modification TU 215 to the ECU's used on the Makila 1A and 1A1 turboshaft engines changes the ceramic case timer to a metal case timer, which improves the unit's mechanical resistance. The simulated fixed Npt causes the gas generator to decelerate to a safe level. Modification TU 205C to the DECU's used on the Makila 1 A2 turboshaft engines upgrades the DECU software from version 6.01 to version 7.01. That upgrade improves the failure detection of the DECU and simulates a revised fixed Npt when both channels fail. The revised simulated fixed Npt value drives the gas generator to decelerate to 65% instead of the 85% value before modification. The 85% value before modification may not have been enough to avoid Npt overspeed.

The compliance times required by this AD were determined as a function of the manufacturing rate of the required parts and the maximum availability of the repairing centers.

#### Manufacturer's Service Information

Turbomeca has issued the following service bulletins (SB's):

- SB No. 298 73 0149, dated January 13, 2000, that specifies procedures for incorporating modification TU 205C on DECU's used on Makila 1 A2 turboshaft engines.
- SB No. 298 73 0166, dated October 5, 2001, that specifies procedures for incorporating modification TU 215 on ECU's used on Makila 1 A and 1 A1 turboshaft engines.

The DGAC classified these service bulletins as mandatory and issued AD's 2000-068(A), dated February 9, 2000, and 2001-546(A), dated November 14, 2001, in order to assure the airworthiness of these Turbomeca engines in France.

#### Bilateral Agreement Information

This engine model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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.

#### FAA's Determination of an Unsafe Condition and Required Actions

Since an unsafe condition has been identified that is likely to exist or develop on other Turbomeca Makila 1 A, 1 A1, and 1 A2 turboshaft engines of the same type design, this AD is being issued to prevent an engine overspeed condition resulting from the failure of two or more NTL channels. This AD requires replacing the Makila 1 A and 1 A1 ECU's, P/N's 0 177 69 810 0, 0 177 69 811 0, 0 177 69 812 0, 0 177 69 813 0, 0 177 69 814 0, 0 177 69 815 0, 0 177 69 816 0, 0 177 69 817 0, 0 177 69 818 0, 0 177 69 819 0, 0 177 69 820 0, and 0 177 69 824 0, 0 177 69 825 0, 0 177 69 826 0, 0 177 69 827 0, 0 177 69 828 0, and 0 177 69 829 0; with ECU's that have been modified to modification standard TU 215. This AD also requires replacing Makila 1 A2 DECU's, P/N 70CMB01040, with modified DECU's, P/N 70CMB01050.

#### Immediate Adoption of This AD

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment