

flight incidents of engine cowling separation resulted in damage to airplanes and property on the ground, and highlighted the need to re-evaluate the design and maintenance requirements applicable to engine cowlings. Notice No. 89-25 proposes to specify standards for failsafe criteria in the design of engine cowling retention systems, which would enable the systems to withstand the loss of a single latch and easily detect unlocked or improperly closed latches. The comment period for Notice No. 89-25 closed March 19, 1990.

#### Discussion of Comments

Fifteen commenters responded to the NPRM. In general, most commenters are in favor of the proposed requirement for direct visual inspection of cowling retention systems, and are not in favor of the proposed cockpit visual warning system. A few commenters suggest additional enhancements to the proposal.

Four commenters favor direct visual inspection of the cowling but oppose the cockpit visual warning system. One of these commenters states that the direct visual inspection makes redundant the proposed addition of a cockpit visual warning system. Another opposes the cockpit visual warning system stating that the system would not be justified economically or functionally. Others state that the cockpit visual warning system would be impractical, introduce the potential for false signal indications, add complexity, and increase potential for failures detrimental to safety.

One commenter states that the real problem is inadequate preflight inspections. Another commenter notes concern about the clarity of terms, and the low probability of a double failure condition of an engine fire and an unlatched latch. An additional commenter considers the fundamental problem to be the lack of preload and resulting wear, plus any accidental damage done while opening or closing the latch. In response to commenters' interest in direct visual inspections, the FAA continues to require pilots to determine that an aircraft is in a condition safe for flight and encourage an on-going focus on appropriate preflight inspections to uphold safety standards.

Commenters also express concern about harmonization of any engine cowling requirements. The withdrawal of Notice No. 89-25 will allow the FAA to consider harmonization concerns and address the issues more completely in future regulatory actions in

consideration of recommendations developed within ARAC.

#### ICAO and Harmonization

The International Civil Aviation Organization (ICAO) established the International Standards and Recommended Practices to promote international cooperation towards the highest possible degree of uniformity in regulations and standards. The FAA and the Joint Aviation Authorities (JAA) of Europe came together to standardize their respective codes of regulation and identified a number of significant regulatory differences. Both consider harmonization a high priority. The FAA tasked ARAC with the harmonization effort. In 1999, the FAA and JAA agreed on a Fast Track Harmonization Program to expedite the standardization process. ICAO Resolution A29-3, Global Rule Harmonization, urges States to take positive action to promote global harmonization of national rules for application of ICAO standards. The FAA actively supports ICAO initiatives and programs to achieve a safe and efficient aviation system worldwide.

#### Reason for Withdrawal

The FAA is involved in eliminating unnecessary differences and harmonizing where practical similar requirements with the JAA and Transport Canada. The FAA finds that including the issues of Notice No. 89-25 within harmonization efforts assigned to ARAC will contribute to a more complete analysis of the issues and will better serve the public interest. We will propose future changes to the Code of Federal Regulations to achieve harmonization through an NPRM with an opportunity for public comment. Therefore, the FAA withdraws Notice No. 89-25, (54 FR 38610) published September 19, 1989.

Issued in Washington, DC, on August 16, 2002.

**Ronald T. Wojnar,**

*Deputy Director, Aircraft Certification Service (AIR-1).*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. 25263; Notice No. 87-3]

RIN 2120-AB46

#### Low Fuel Quantity Alerting System

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

**ACTION:** Notice of proposed rulemaking (NPRM); withdrawal.

**SUMMARY:** The FAA is withdrawing a previously published Notice of Proposed Rulemaking (NPRM) to amend airworthiness standards for transport category airplanes by requiring a means to alert the flight crew to potentially unsafe low fuel quantities. We are withdrawing the proposed rule because information has been surpassed by technological advances. The issues will be addressed by future regulatory action based on recommendations from the Aviation Rulemaking Advisory Committee (ARAC). The FAA has determined that future regulatory action, including the broader scope of a harmonized proposal, will better serve the public interest.

**FOR FURTHER INFORMATION CONTACT:** Michael McRae, Propulsion and Mechanical Systems Branch, Federal Aviation Administration, telephone 425-227-2113, e-mail [mike.mcrae@faa.gov](mailto:mike.mcrae@faa.gov).

#### SUPPLEMENTARY INFORMATION

##### Background

On May 12, 1987, the FAA published Notice of Proposed Rulemaking No. 87-3 (52 FR 17890) to propose an amendment to part 25 of title 14, Code of Federal Regulations, and invited public comment on the subject of a low fuel quantity alerting system. Notice No. 87-3 proposes to amend airworthiness standards for transport category airplanes by requiring a means to alert the flight crew to potentially unsafe low fuel quantities. The alerting system would be required to be independent of the normal fuel quantity measurement system, and the alert would have to occur with no less fuel remaining than that required to operate for 30 minutes at normal cruising conditions. The comment period closed September 9, 1987.

##### Discussion of Comments

Ten comments were received in response to the NPRM. In general, most commenters were in favor of the NPRM for the low fuel quantity alerting system,

with a few commenters suggesting additional enhancements to the proposal.

Of the commenters that express support for the proposal, one urges a similar rule change to parts 23, 121, and 135 of title 14 of the Code of Federal Regulations. Of the commenters who feel additional technology is warranted, one recommends a review and application to existing aircraft, another recommends an annual calibration check of the system, and another offers some design considerations. Several commenters find the cost estimation to be underestimated in the NPRM.

Two commenters support the proposal and state that the phrase "30 minutes at normal cruising conditions" needs clarification. Another two commenters object to the same phrase, but oppose the proposal, because it only applies to one configuration and one altitude. Both of these commenters assert that the proposal should only apply to air carriers whose aircraft weigh over 75,000 pounds.

The FAA acknowledges these contributions to the rulemaking process, and affirms its commitment to aviation safety by continuing to clarify, update, and harmonize its regulations. We will address any remaining concerns in future regulatory actions as we pursue global harmonization of aviation regulations.

#### ICAO and Harmonization

The International Civil Aviation Organization (ICAO) established the International Standards and Recommended Practices to promote international cooperation towards the highest possible degree of uniformity in regulations and standards. Thirty-two States and authorities joined in the goal of standardization.

The FAA and the Joint Aviation Authorities (JAA) of Europe came together to standardize their respective codes of regulation and identified a number of significant regulatory differences. Both consider harmonization of the two codes a high priority. In 1999, the FAA and JAA agreed on a Fast Track Harmonization Program to expedite the standardization process. ICAO Resolution A29-3, Global Rule Harmonization, urges States to take positive action to promote global harmonization of national rules for application of ICAO standards. The FAA actively supports ICAO initiatives and programs to achieve a safe and efficient aviation system worldwide.

#### Reason for Withdrawal

The FAA is involved in eliminating unnecessary differences and

harmonizing, where practical, similar requirements with Europe and Transport Canada. We find that including the issues of Notice No. 87-3 within harmonization efforts assigned to ARAC will contribute to a more complete and current analysis of the issues that will better serve the public interest. In addition, future regulatory action will allow the public to benefit from the inclusion of technological advances relevant to the issues. To achieve harmonization goals and address technological issues, we will propose future changes to the Code of Federal Regulations through an NPRM with opportunity for public comment. Therefore, the FAA withdraws Notice No. 87-3 (52 FR 17890), published May 12, 1987.

Issued in Washington, DC, on August 16, 2002.

**Ronald T. Wojnar,**

*Deputy Director, Aircraft Certification Service (AIR-1).*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-SW-80-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Bell Helicopter Textron Canada Model 206L, L-1, L-3 and L-4 Helicopters**

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

**ACTION:** Supplemental notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This document revises an earlier proposed superseding airworthiness directive (AD) for the specified Bell Helicopter Textron Canada (BHTC) helicopters. That proposal would have required inspecting the tailboom skins for a crack, replacing a cracked tailboom with a modified tailboom before further flight, and implementing a recurring inspection of the modified tailboom. That proposal was prompted by several reports of cracks found during mandatory inspections. This supplemental notice of proposed rulemaking (SNPRM) renews and revises the proposal by providing a terminating action, incorporating a more recent revision to the alert service bulletin (ASB), and increasing the compliance time for performing the

inspections. The actions specified by this proposal are intended to detect a crack in the tailboom and to prevent separation of the tailboom from the helicopter and subsequent loss of control of the helicopter.

**DATES:** Comments must be received on or before September 23, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99-SW-80-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). Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Sharon Miles, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193-0111, telephone (817) 222-5122, fax (817) 222-5961.

#### 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 should 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 document may be changed in light of the comments received.

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 mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 99-SW-80-AD." The postcard will be date stamped and returned to the commenter.