

**Repeat Inspection for Certain Airplanes**

(b) For airplanes on which the inspection required by paragraph (a) of this AD was accomplished prior to the accumulation of 5,000 total flight cycles or 12,500 total flight hours: Repeat the inspection required by paragraph (a) of this AD one time within 120 days after the effective date of this AD.

**Corrective Actions**

(c) If any bolt of the hinge fittings of the left- and right-hand outboard trailing edge flaps is below the torque check threshold specified in Boeing Alert Service Bulletin 767-27A0151, Revision 1, dated April 2, 1997; or Revision 4, dated August 27, 1998: Prior to further flight, accomplish the actions specified in paragraph (c)(1) or (c)(2) of this AD, in accordance with the alert service bulletin.

(1) Perform a dye penetrant inspection of all the bolts of the hinge fitting to detect any cracking or discrepancy.

(i) If no cracking or discrepancy is detected, reinstall the bolt using new nuts and washers.

(ii) If any cracking or discrepancy is detected, replace the cracked or discrepant bolt with a new or serviceable bolt.

(2) Replace all of the bolts of both hinge fittings with new or serviceable bolts.

(d) If the length or type of any bolt of the hinge fittings of the left- and right-hand outboard trailing edge flaps is outside the specifications of Boeing Alert Service Bulletin 767-27A0151, Revision 1, dated April 2, 1997; or Revision 4, dated August 27, 1998: Prior to further flight, replace the bolt with a new or serviceable bolt in accordance with the alert service bulletin.

**Credit for Actions Accomplished per Previous Revisions of Service Bulletin**

(e) Accomplishment of the actions specified in paragraphs (a), (c), and (d) of this AD, in accordance with Boeing Alert Service Bulletin 767-27A0151, dated April 1, 1997; Revision 2, dated April 10, 1997; or Revision 3, dated July 7, 1997; before the effective date of this AD; is considered acceptable for compliance with the applicable requirements of this AD.

**Repetitive Inspections**

(f) Within 3 years, 12,500 flight hours, or 6,000 flight cycles after accomplishment of paragraph (a) of this AD, whichever is first; or within 90 days after the effective date of this AD, whichever is later: Perform an inspection to check the bolt torque of both hinge fittings on the left- and right-hand outboard trailing edge flaps, and retorquer if applicable, in accordance with Boeing Service Bulletin 767-27A0155, Revision 2, dated July 8, 1999. Repeat the inspection every 3 years, 12,500 flight hours, or 6,000 flight cycles, whichever is first.

**Terminating Action**

(g) Within 6 years, 25,000 flight hours, or 12,000 flight cycles after accomplishment of paragraph (a) of this AD, whichever is first; or within 90 days after the effective date of this AD; whichever is later: Perform the terminating action (including replacement of the six titanium bolts in each flap support

fitting with steel bolts and self-aligning washers, and installation of radius filters at the four aft bolt locations), in accordance with Part 2 of the Accomplishment Instructions of Boeing Service Bulletin 767-27A0155, Revision 2, dated July 8, 1999. Accomplishment of this paragraph ends the repetitive inspections required by paragraph (f) of this AD.

**Credit for Actions Accomplished per Previous Revisions of Service Bulletin**

(h) Accomplishment of the actions specified in paragraphs (f) and/or (g) of this AD, in accordance with Boeing Alert Service Bulletin 767-29A0155, dated August 27, 1998, or Revision 1, dated December 22, 1998, before the effective date of this AD, is considered acceptable for compliance with the applicable requirements of this AD.

**Alternative Methods of Compliance**

(i)(1) 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.

(2) Alternative methods of compliance, approved previously in accordance with AD 97-08-51, amendment 39-10012, are approved as alternative methods of compliance with paragraphs (a), (b), and (c) of this AD.

**Note 2:** 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**

(j) 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.

Issued in Renton, Washington, on September 23, 2002.

**Ali Bahrami,**

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

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**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD13-02-012]

RIN 2115-AE47

**Drawbridge Operation Regulations; Lake Washington Ship Canal, WA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to amend the regulations governing the drawspan of the Montlake Bridge across the east end of the Lake Washington Ship Canal by lengthening the hours that the draw need not open for the passage of vessels during the part of the year when vessel traffic is low. The proposed change would relieve vehicular congestion during the peak congested period for road traffic.

**DATES:** Comments and related material must reach the Coast Guard on or before November 29, 2002.

**ADDRESSES:** You may mail comments and related material to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174-1067. The office of Aids to Navigation and Waterways Management maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at this office between 7:45 a.m. and 4:15 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Austin Pratt, Chief, Bridge Section, Aids to Navigation and Waterways Management Branch, telephone (206) 220-7282.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD13-02-12), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

**Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the office at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

## Background and Purpose

The Washington State Department of Transportation (WSDOT) has requested a change in the drawbridge operations schedule to alleviate traffic congestion in the Montlake area by increasing the periods for part of the year in which the drawbridge need not open for the passage of vessels.

The draw of the Montlake Bridge, mile 5.2, Lake Washington Ship Canal at Seattle, Washington, opens on signal except that the draw need not open for the passage of vessels from 7 a.m. to 9 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Friday, except federal holidays, for any vessel of less than 1000 gross ton, unless the vessel has in tow a vessel of 1000 gross tons or over. The draw need only open on the hour and half-hour from 12:30 p.m. to 3:30 p.m. and from 6 p.m. to 6:30 p.m. Between the hours of 11 p.m. and 5 a.m. the draw opens if one hour notice is provided. This notice requirement has been voluntarily suspended by WSDOT. The bridge is staffed by operators 24 hours a day. The proposed change would remove this nighttime notice provision.

The Montlake Bridge provides 48 feet of vertical clearance above the mean regulated lake level of Lake Washington for the central 100 feet of the bascule span. Navigation on the waterway includes tugs, gravel barges, construction barges, sailboats, motor yachts, kayaks, rowing shells, and government vessels.

The Lake Washington Ship Canal bisects Seattle from east to west and is currently crossed by two fixed highway bridges and four vehicular bascules, of which the Montlake is the easternmost. At the western extremity seaward of the Hiram Chittenden Locks at Ballard is a single-leaf railroad bascule.

The Montlake Bridge is critical to north-south road traffic in its area. The closest alternative crossing is about 0.8 mile to the west and cannot be reached easily without traveling other congested streets during peak traffic hours.

This proposal would alleviate vehicular congestion by lengthening the periods that the bridge would be allowed to remain closed to marine traffic from the beginning of September to the end of April each year. These months correspond approximately to the foul weather period in Seattle when congestion is heaviest and vessel traffic is lowest.

## Discussion of Proposed Rule

The proposed change in operating regulations would lengthen the morning authorized closed periods by one hour

and the afternoon periods by a half-hour on weekdays. The proposed hours for September 1 through April 30 each year when the bridge may remain closed to vessel traffic would be from 7 a.m. to 10 a.m. and from 3:30 p.m. to 7 p.m. These periods would coincide more closely with the peak traffic periods on the major north-south arterial of Montlake Boulevard. This street is more congested during months when the University of Washington is at its peak attendance and inclement weather hinders traffic flow. The university, including the university hospital, is immediately north of the Montlake Bridge. State Route 520, a major east-west highway, is affected by traffic flow via entrance and exit ramps less than 300 yards south of the drawbridge.

Boating season begins officially in May and generally extends through Labor Day weekend. This period remains unaffected by the proposed change. The number of draw openings for vessels is far greater in this period than in the months bracketed by the proposed amendment. The total vessel traffic is far greater during the peak four months between May and August than the total for the other eight months of the year. The peak number of monthly openings in the affected period is less than 30 and for most of that period is less than 10 per month. Road traffic in contrast is between 4000 and 5000 vehicles per hour during each closed period, as measured for an average weekday in October 2000. Draw openings can queue traffic for over a mile from the bridge.

## Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This conclusion is based on the fact that the majority of vessels plying the canal will not be hindered by this change. Many of the commercial and recreational vessels can pass the span without an opening. Vessel traffic diminishes significantly during the months that would be affected while the

maximal use period would remain unchanged.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. There are no known small entities affected by this proposal. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (*see ADDRESSES*) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

## Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

## Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

## Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

## Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental

Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not economically significant and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

To help the Coast Guard establish regular and meaningful consultation and collaboration with Indian and Alaskan Native tribes, we published a notice in the **Federal Register** (66 FR 36361, July 11, 2001) requesting comments on how to best carry out the Order. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a "tribal implication" under the Order.

### Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2-1, paragraph (32)(e), of Commandant Instruction M16475.IC, this proposed rule is categorically excluded from further environmental documentation. Drawbridge regulatory changes are categorically excluded. A "Categorical Exclusion Determination" is available in the docket where indicated under ADDRESSES.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend part 117 of Title 33, Code of Federal Regulations, as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Public Law 102-587, 106 Stat. 5039.

2. In Section 117.1051 paragraph (e)(2)(i) is revised and paragraph (e)(3) is removed to read as follows:

#### § 117.1051 Lake Washington Ship Canal.

\* \* \* \* \*

(e) \* \* \*

(2) \* \* \*

(i) The draw need not open from 7 a.m. to 9 a.m. and from 3:30 p.m. to 6:30 p.m. from April 30 to September 1 and from 7 a.m. to 10 a.m. and from 3:30 p.m. to 7 p.m. from September 1 to April 30.

\* \* \* \* \*

Dated: September 20, 2002.

**Erroll Brown,**

*Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.*

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 62

[OH153-1b; FRL-7386-8]

#### Approval and Promulgation of Implementation Plans; Ohio

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve, through direct final procedure, a negative declaration submitted by the State of Ohio which indicates there is no need for regulations covering existing Small Municipal Waste Combustors (MWC) in the State. The State's negative declaration regarding this category of sources was submitted in a letter dated June 25, 2002, and was based on a systematic search of the State's internal data bases. The intent of the State's action is to satisfy a Federal requirement to develop a plan to control emissions from small MWCs or to declare there are no sources of this type in the State.

In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the State's negative declaration request as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. The rationale for approval is set forth in the direct final rule. If EPA receives no written adverse comments, EPA will take no further action on this proposed rule. If EPA receives written adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect. In that event, EPA will address all relevant public comments in a subsequent final rule based on this proposed rule. In either event, EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

**DATES:** Comments on this action must be received by October 30, 2002.

**ADDRESSES:** Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of the State's negative declaration request is available for inspection at the above address.

**FOR FURTHER INFORMATION CONTACT:** John Paskevicz, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR-18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6084.

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" are used we mean the EPA.

- I. What actions are EPA taking today?
- II. Where can I find more information about this proposal and corresponding direct final rule?