

# Proposed Rules

## Federal Register

Vol. 67, No. 213

Monday, November 4, 2002

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-SW-37-AD]

RIN 2120-AA64

### Airworthiness Directives; Eurocopter France Model AS350B, B1, B2, BA, and D Helicopters

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

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

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) for specified Eurocopter France (Eurocopter) model helicopters. This proposal would require fireproofing the engine oil tank breather pipe (breather pipe) where it passes through the firewall from the engine compartment to the main gearbox compartment. This proposal is prompted by the discovery of a design deficiency that permitted the installation of a non-fireproof breather pipe. The actions specified by the proposed AD are intended to prevent the spread of fire between two designated fire zones of the helicopter, additional structural damage, and a decrease in the time available to execute an emergency landing.

**DATES:** Comments must be received on or before January 3, 2003.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2002-SW-37-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:** Ed Cuevas, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193-0111, telephone (817) 222-5355, 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 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 document must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2002-SW-37-AD." The postcard will be date stamped and returned to the commenter.

#### Discussion

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on specified Eurocopter model helicopters. The DGAC advises that the breather pipe should be made fireproof by fitting it with a heat-resistant silicone sheath.

Eurocopter has issued AS 350 Service Bulletin No. 79.00.11, Revision No. 1, dated May 5, 2000, which specifies modifying the engine oil tank breather pipe with a high-temperature silicone glass sheath, then inspecting for oil leaks. The service bulletin states that it

relates to MOD 072793. It further states that the high-temperature silicone glass sheath, part number (P/N) ASNAO 199-024, is included in modification kit 350A0727930071. The DGAC classified this service bulletin as mandatory and issued AD No. 2000-268-078(A), dated June 28, 2000, to ensure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to this bilateral 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.

Since an unsafe condition has been identified that is likely to exist or develop on other specified Eurocopter model helicopters of these same type designs registered in the United States, the proposed AD would require modifying the breather pipe by installing a protection sheath on the segment of the engine oil tank breather pipe between the engine and the main gearbox compartments. The action would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 470 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per helicopter to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$25 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$39,950.

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 a new airworthiness directive to read as follows:

**Eurocopter France:** Docket No. 2002-SW-37-AD.

**Applicability:** Eurocopter France Model AS350B, B1, B2, BA, and D helicopters, 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 (b) 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 before flight, unless accomplished previously.

To prevent a fire from spreading from the engine compartment through the firewall to the main gearbox due to a non-fireproof engine oil tank breather pipe (breather pipe), additional structural damage, and a decrease in the time available to execute an emergency landing, accomplish the following:

(a) Modify the engine oil tank breather pipe to make it fireproof by installing a high-temperature silicone glass protective sheath, part number ASNO199-024, in accordance with the Accomplishment Instructions, paragraph 2.A., in Eurocopter AS 350 Service Bulletin No. 79.00.11, Revision No. 1, dated May 5, 2000.

(b) 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, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

(c) 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.

**Note 3:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 2000-268-078(A), dated June 28, 2000.

Issued in Fort Worth, Texas, on October 24, 2002.

**David A. Downey,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 02-27789 Filed 11-1-02; 8:45 am]

**BILLING CODE 4910-13-P**

#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

#### 26 CFR Parts 1 and 301

**[REG-106876-00]**

**RIN 1545-AY24**

#### Revision of Income Tax Regulations under Sections 897, 1445, and 6109 to Require Use of Taxpayer Identifying Numbers on Submissions Under the Sections 897 and 1445 Regulations

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Cancellation of notice of public hearing on proposed rulemaking.

**SUMMARY:** This document provides notice of cancellation of a public hearing on proposed regulations that require the use of taxpayer identifying numbers on submissions under sections 897 and 1445 of the Internal Revenue Code.

**DATES:** The public hearing originally scheduled for November 13, 2002, at 10 a.m., is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Treena Garrett of the Regulations Unit,

Associate Chief Counsel (Income Tax and Accounting), (202) 622-7180 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on July 26, 2002, (67 FR 48823), announced that a public hearing was scheduled for November 13, 2002, at 10 a.m. in Room 6718, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under sections 897, 1445 and 6109 of the Internal Revenue Code. The public comment period for these proposed regulations expired on October 23, 2002.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of October 30, 2002, no one has requested to speak. Therefore, the public hearing scheduled for November 13, 2002, is cancelled.

**Cynthia E. Grigsby,**

*Chief, Regulations Unit, Associate Chief Counsel (Income Tax and Accounting).*

[FR Doc. 02-28017 Filed 11-1-02; 8:45 am]

**BILLING CODE 4830-01-P**

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### 44 CFR Part 67

**[Docket No. FEMA-D-7546]**

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed base flood elevations for each community are