

TABLE 1.—APPLICABLE PROPELLERS AND HUBS—Continued

Propeller SN	Hub SN	Hub P/N
CH36195B	A61570B	D-6529-1
CH36196B	A61571B	D-6529-1
CH36178B	A61573B	D-6529-1
CH36179B	A61574B	D-6529-1
CH36181B	A61576B	D-6529-1
CH36182B	A61577B	D-6529-1
CH36183B	A61578B	D-6529-1
CH36198B	A61583B	D-6529-1
CH36199B	A61584B	D-6529-1
CH36200B	A61585B	D-6529-1
CH36201B	A61586B	D-6529-1
CH36202B	A61587B	D-6529-1
CH36203B	A61588B	D-6529-1
CH36204B	A61589B	D-6529-1
CH36205B	A61590B	D-6529-1
CH36209B	A61594B	D-6529-1
CH36211B	A61596B	D-6529-1
CH36212B	A61597B	D-6529-1
CH36213B	A61598B	D-6529-1
CH36215B	A61601B	D-6529-1
CH36216B	A61602B	D-6529-1
AU11145B	A61603B	D-6522-1
AU11147B	A61605B	D-6522-1
AU11155B	A61613B	D-6522-1
AY520B	A61743B	D-6522-2
AU11175B	A61893B	D-6522-1

These propellers are installed on, but not limited to the following:

AMERICAN CHAMPION 8GCBC, 8KCAB  
 AERMACCHI S.p.A. S.208, S.208A  
 BEECH 95 series  
 BELLANCA 14-19-3, 14-19-3A  
 CESSNA 170 series, 172 series, 175 series,  
 177, A188A, A188B, T188C, 310 series  
 DIAMOND AIRCRAFT DA-40  
 LAKE (REVO) LA-4, LA-4-200  
 MAULE Aerospace Technology, Inc. M(T)-7-  
 235( ), M-5-235C, M-6-235, M(X)-7-235  
 MOONEY M20 series  
 Pilatus BRITTEN-NORMAN LTD BN-2  
 series, MK III, MK III-2, MK III-3  
 PIPER PA-23, PA-23-160, PA-24, PA-24-  
 260, PA-25-260,  
 PA-28-140, PA-32-300, PA-32S-300, PA-  
 34-200, PA-44-180T  
 SOCATA—Groupe AEROSPATIALE MS-  
 200, MS 894A, MS 894E, TB-20, TB-21  
 Sky International Inc (Husky) A-1, S-1T, S-  
 2A, S-2S (previous owners were Christian  
 Industries; Aviat, Inc.; White International,  
 LTD.)  
 Univair Aircraft Corporation 108 series  
 (previous owner was Stinson)  
 Vulcanair S.p.A. P68 series (previous owner  
 was Partenavia Construzioni Aeronautiche  
 S.p.A)

**Note 1:** The parentheses that appear in the propeller models indicate the presence or absence of additional letter(s) which vary the basic propeller hub model designation. This airworthiness directive is applicable

regardless of whether these letters are present or absent on the propeller hub model designation.

**Note 2:** This AD applies to each propeller 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 propellers 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 (d) 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

Compliance with this AD is required as indicated, unless already done.

To prevent in-flight propeller blade separation resulting in airframe and engine damage, and possible loss of the airplane, do the following:

(a) For Piper PA-32( ) series airplanes with Lycoming 540 series engines rated at 300 horse power or higher, Britten Norman BN-2 series airplanes with Lycoming 540 series engines, acrobatic airplanes including certificated acrobatic airplanes, military trainers, any airplanes routinely exposed to acrobatics usage, and airplanes used for agricultural purposes, remove affected hubs listed by SN in Table 1 of this AD within 50 hours time-since-new (TSN) or 12 months from the effective date of this AD, whichever occurs first, and replace with serviceable hubs, in accordance with paragraphs 3.A. through 3.B.(3) of ASB HC-ASB-61-259, dated September 4, 2002.

(b) For airplanes other than those listed in paragraph (a) of this AD, remove affected hubs listed by SN in Table 1 of this AD within 100 hours TSN or 12 months from the effective date of this AD, whichever occurs first, and replace with serviceable hubs, in accordance with paragraphs 3.A. through 3.B.(3) of ASB HC-ASB-61-259, dated September 4, 2002.

(c) After the effective date of this AD, do not install any propeller assembly that has a hub with a P/N D-6522-1, D-6522-2, D-6529-1, or D-6559-3, with a SN listed in Table 1 of this AD.

#### Alternative Methods of Compliance

(d) 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, Chicago Aircraft Certification Office (ACO). Operators must submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Chicago ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Chicago ACO.

#### Special Flight Permits

(e) Special flight permits may be issued in accordance with §§ 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 done.

#### Documents That Have Been Incorporated by Reference

(f) The propeller hub replacements must be done in accordance with Alert Service Bulletin Hartzell Propeller Inc. HC-ASB-61-259, dated September 4, 2002. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Hartzell Propeller Inc. Technical Publications Department, One Propeller Place, Piqua, OH 45356; telephone (937) 778-4200; fax (937) 778-4391. Copies may be inspected 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.

#### Effective Date

(g) This amendment becomes effective on January 23, 2003.

Issued in Burlington, Massachusetts, on December 31, 2002.

**Robert J. Ganley,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*  
 [FR Doc. 03-226 Filed 1-7-03; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 170

RIN 1076-AE34

#### Partial Distribution of Fiscal Year 2003 Indian Reservation Roads Funds

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule.

**SUMMARY:** We are issuing a rule requiring that we distribute \$25 million of fiscal year 2003 Indian Reservation

Roads (IRR) funds to projects on or near Indian reservations using the relative need formula. This partial distribution reflects the funds the Federal Highway Administration has allocated to the Department of the Interior and is based on funding appropriated by a continuing resolution for Department of the Interior funding in effect until September 20, 2003. We are using the Federal Highway Administration (FHWA) Price Trends report for the relative need formula distribution process, with appropriate modifications to address non-reporting States.

**EFFECTIVE DATE:** January 13, 2003 through September 30, 2003.

**FOR FURTHER INFORMATION CONTACT:**

LeRoy Gishi, Chief, Division of Transportation, Office of Trust Responsibilities, Bureau of Indian Affairs, 1849 C Street, NW., MS-4058-MIB, Washington, DC 20240. Mr. Gishi may also be reached at (202) 208-4359 (phone) or (202) 208-4696 (fax).

**SUPPLEMENTARY INFORMATION:**

**Background**

*Where Can I Find General Background Information on the Indian Reservation Roads (IRR) Program, the Relative Need Formula, the Federal Highway Administration (FHWA) Price Trends Report, and the Transportation Equity Act for the 21st Century (TEA-21) Negotiated Rulemaking Process?*

The background information on the IRR Program, the relative need formula, the FHWA Price Trends Report, and the TEA-21 Negotiated Rulemaking process is detailed in the **Federal Register** notice dated February 15, 2000 (65 FR 7431).

*Why Are You Publishing This Rule?*

We are publishing this rule for the distribution of \$25 million of fiscal year 2003 IRR funds. This rule sets not precedent for the final rule to be published as required by section 1115 of TEA-21.

*Where Can I Find Information on the Distribution of Fiscal Year 2002 IRR Funds?*

You can find this information in the **Federal Register** notice dated January 10, 2002 (67 FR 1290).

*How Will the Secretary Distribute \$25 Million of Fiscal Year 2003 IRR Program Funds?*

Upon publication of this rule, the Secretary will distribute \$25 million of fiscal year 2003 IRR Program funds based on the current relative need formula used in fiscal years 2000, 2001 and in the first distribution in fiscal year

2003. We are using the latest indices from the FHWA Price Trends Report with appropriate modifications for non-reporting states in the relative need formula distribution process.

**Regulatory Planning and Review (Executive Order 12866)**

Under the criteria in Executive Order 12866, this rule is not a significant regulatory action because it will not have an annual effect of more than \$100 million on the economy. The total amount available for distribution of fiscal year 2003 IRR Program funds is approximately \$200 million and we are distributing approximately \$25 million under this rule. Congress has authorized these funds and FHA has already allocated them to BIA. The cost to the government of distributing the IRR Program funds, especially under the relative need formula with which the tribal governments and tribal organizations and the BIA are already familiar, is negligible. The distribution of fiscal year 2003 IRR Program funds does not require tribal governments and tribal organizations to expend any of their own funds. This rule is consistent with the policies and practices that currently guide our distribution of IRR Program funds. This rule continues to adopt the relative need formula that we have used since 1993, adjusting the FHWA Price Trends Report indices for states that do not have current data reports. This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another Federal agency. The FHWA has transferred the IRR Program funds to us and fully expects the BIA to distribute the funds according to a funding formula approved by the Secretary. This rule does not alter the budgetary effects on any tribes from any previous or any future distribution of IRR Program funds and does not alter entitlement, grants, user fees, or loan programs or the rights or obligations of their recipients. This rule does not raise novel legal or policy issues. It is based on the relative need formula in use since 1993. We are changing determination of relative need only by appropriately modifying the FHWA Price Trend Report indices for states that did not report data for the FHWA Price Trends Report, just as we did for the partial distributions for fiscal years 2000, 2001 and 2002 IRR Program funds.

Approximately 350 road and bridge construction projects are at various phases that depend on this fiscal year's IRR Program funds. Leaving these ongoing projects unfunded will create undue hardship on tribes and tribal

members. Lack of funding would also pose safety threats by leaving partially constructed road and bridge projects to jeopardize the health and safety of the traveling public. Thus, the benefits of this rule far outweigh the costs. This rule is consistent with the policies and practices that currently guide our distribution of IRR Program funds.

**Regulatory Flexibility Act**

A Regulatory Flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is not required for this rule because it applies only to tribal governments, not state and local governments.

**Small Business Regulatory Enforcement Fairness Act (SBREFA)**

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act, because it does not have an annual effect on the economy of \$100 million or more. We are distributing approximately \$25 million under this rule. Congress has authorized these funds and FHWA has already allocated them to BIA. The cost to the government of distributing the IRR Program funds, especially under the relative need formula with which tribal governments, tribal organizations, and the BIA are already familiar, is negligible. The distribution of the IRR Program funds does not require tribal governments and tribal organizations to expend any of their own funds. This rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Actions under this rule will distribute Federal funds to Indian tribal governments and tribal organizations for transportation planning, road and bridge construction, and road improvements. This rule does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign based enterprises. In fact, actions under this rule will provide a beneficial effect on employment through funding for construction jobs.

**Unfunded Mandates Reform Act**

Under the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*), this rule will not significantly or uniquely affect small governments, or the private sector. A Small Government Agency Plan is not required. This rule will not produce a federal mandate that may result in an expenditure by State, local, or tribal governments of \$100 million or greater in any year. The effect of this rule is to immediately provide \$25

million of fiscal year 2003 IRR Program funds to tribal governments for ongoing IRR activities and construction projects.

#### **Takings Implications (Executive Order 12630)**

With respect to Executive Order 12630, the rule does not have significant takings implications since it involves no transfer of title to any property. A takings implication assessment is not required.

#### **Federalism (Executive Order 13132)**

With respect to Executive Order 13132, the rule does not have significant Federalism implications to warrant the preparation of a Federalism Assessment. This rule does not affect the relationship between state governments and the Federal Government because this rule concerns administration of a fund dedicated to IRR projects on or near Indian reservations that has no effect on Federal funding of state roads. Therefore, the rule has no Federalism effects within the meaning of Executive Order 13132.

#### **Civil Justice Reform (Executive Order 12988)**

This rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 1988. This rule contains no drafting errors or ambiguity and is clearly written to minimize litigation, provide clear standards, simplify procedures, and reduce burden. This rule does not preempt any statute. Under the Transportation Equity Act for the 21st Century negotiated rulemaking, we have published a proposed rule and funding formula (67 FR 51328, August 7, 2002). A final funding formula for fiscal year 2004 will be published in 2003. The rule is not retroactive with respect to any funding from any previous fiscal year (or prospective to funding from any future fiscal year), but applies only to \$25 million of fiscal year 2003 IRR Program funding.

#### **Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because this rule does not impose record keeping or information collection requirements or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 501 *et seq.* We already have all of the necessary information to implement this rule.

#### **National Environmental Policy Act**

This rule is categorically excluded from the preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, because its environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and the road projects funded as a result of this rule will be subject later to the National Environmental Policy Act process, either collectively or case-by-case. Further, no extraordinary circumstances exist to require preparation of an environmental assessment or environmental impact statement.

#### **Consultation and Coordination With Indian Tribal Governments (Executive Order 13175)**

Pursuant to the President's Executive Order 13175 of November 6, 2000, "Consultation and Coordination with Indian Tribal Governments," we have consulted with tribal representatives throughout the negotiated rulemaking process and in developing this rule. We have evaluated any potential effects on federally recognized Indian tribes and have determined that there are no potential adverse effects and have determined that this rule preserves the integrity and consistency of the relative need formula process we have used since 1993 to distribute IRR Program funds. We are making a change from previous years (which we also made for fiscal years 2000, 2001, and 2002 IRR Program funds (*see Federal Register* notices at 65 FR 37697, 66 FR 17073, and 67 FR 44355) to modify the FHWA Price Trends Report indices for non-reporting states which do not have current price trends data reports. The yearly FHWA Report is used as part of the process to determine the cost-to-improve portion of the relative need formula. Consultation with tribal governments and tribal organizations is ongoing as part of the TEA-21 negotiated rulemaking process.

#### **List of Subjects in 25 CFR Part 170**

Highways and Roads, Indians-lands.

For the reasons set out in the preamble, we are amending Part 170 in Chapter I of Title 25 of the Code of Federal Regulations as follows.

#### **PART 170—ROADS OF THE BUREAU OF INDIAN AFFAIRS**

1. The authority citation for part 170 continues to read as follows:

**Authority:** 36 Stat. 861; 78 Stat. 241, 253, 257; 45 Stat. 750 (25 U.S.C. 47; 42 U.S.C.

2000e(b), 2000e-2(i); 23 U.S.C. 101(a), 202, 204), unless otherwise noted.

2. Add § 170.4b to read as follows:

#### **§ 170.4B What formula will BIA use to distribute \$25 million of fiscal year 2003 Indian Reservation Roads Program funds?**

On January 13, 2003 we will distribute \$25 million of fiscal year 2003 IRR Program funds authorized under Section 1115 of the Transportation Equity Act for the 21st Century, Public Law 105-178, 112 Stat. 154. We will distribute the funds to Indian Reservation Roads projects on or near Indian reservations using the relative need formula established and approved in January 1993. The formula has been modified to account for non-reporting States by inserting the latest data reported for those states for use in the relative need formula process.

Dated: December 16, 2002.

**Neal A. McCaleb,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 03-343 Filed 1-7-03; 8:45 am]

**BILLING CODE 4310-LY-M**

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## **DEPARTMENT OF TRANSPORTATION**

### **Coast Guard**

#### **33 CFR Part 165**

**[COTP San Diego 02-026]**

**RIN 2115-AA97**

#### **Security Zones; Port of San Diego, CA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing moving and fixed security zones around and under all cruise ships that are located in and near the Port of San Diego. These security zones are needed for national security reasons to protect the public and ports from potential terrorist acts. Entry into these zones will be prohibited, unless specifically authorized by the Captain of the Port of San Diego.

**DATES:** This rule is effective on December 21, 2002 at 11:59 p.m. (PST).

**ADDRESSES:** Comments and material received from the public as well as documents indicated in this preamble as being available in the docket, are part of docket [COTP San Diego 02-026], and are available for inspection or copying at U.S. Coast Guard Marine Safety Office San Diego, 2716 N. Harbor Dr., San Diego, CA, 92101, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Rick Sorrell,