

easement will grant to the United States, through NRCS, its successors or assigns, a right of access to the easement area.

(f) The cooperating entity shall acquire, hold, manage and enforce the easement. The cooperating entity may have the option to enter into an agreement with governmental or private organizations to carry out easement stewardship responsibilities if approved by NRCS.

(g) Prior to fund disbursement, NRCS must sign the conservation easement, concurring with the terms of the conservation easement and accepting its interest in the conservation easement deed.

(h) All conservation easement deeds acquired with FRPP funds must be recorded. Proof of recordation shall be provided to NRCS by the cooperating entity.

§ 1491.23 Easement modifications.

(a) After an easement has been recorded, no amendments to the easement will be made without prior approval by NRCS State Conservationist and the USDA Office of General Counsel.

(b) Easement modifications will be approved only when easement is duly prepared and recorded in conformity with standard real estate practices, including requirements for title approval, subordination of liens, and recordation, and when the amendment is consistent with the purposes of the conservation easement.

Subpart C—General Administration

§ 1491.30 Violations and remedies.

(a) In the event of a violation of the terms of the easement, the cooperating entity shall notify the landowner. The landowner may be given reasonable notice and, where appropriate, an opportunity to voluntarily correct the violation in accordance with the terms of the conservation easement.

(b) In the event that the cooperating entity fails to enforce any of the terms of the easement as determined in the sole discretion of the Secretary, the Secretary and his or her successors and assigns shall have the right to enforce the terms of the easement through any and all authorities available under Federal or State law. In the event that the cooperating entity attempts to terminate, transfer, or otherwise divest itself of any rights, title, or interests of the easement or extinguish the easement or without the prior consent of the Secretary and payment of consideration to the United States, then, at the option of the Secretary, all right, title, and interest in the conservation easement

shall become vested in the United States of America.

(c) Notwithstanding paragraph (a) of this section, NRCS, upon notification to the landowner, reserves the right to enter upon the easement area at any time to monitor conservation plan implementation or remedy deficiencies or easement violations, as it relates to the conservation plan. The entry may be made at the discretion of NRCS when the actions are deemed necessary to protect highly erodible soils and wetland resources. The landowner will be liable for any costs incurred by the United States as a result of the landowner's negligence or failure to comply with the easement requirements as it relates to conservation plan violations.

(d) The United States shall be entitled to recover any and all administrative and legal costs, including attorney's fees or expenses, associated with any enforcement or remedial action as it relates to the enforcement of the FRPP easement.

(e) The conservation easement shall include an indemnification clause requiring landowners to indemnify, defend, and hold harmless the United States from any liability resulting from the negligent acts of the landowner.

(f) In instances where an easement is terminated or extinguished, NRCS will collect CCC's share of the conservation easement based on the appraised fair market value of the conservation easement at the time the easement is extinguished or terminated. CCC's share shall be in proportion to its percentage of original investment.

§ 1491.31 Appeals.

(a) A person or cooperating entity which has submitted an FRPP proposal and is therefore participating in FRPP may obtain a review of any administrative determination concerning eligibility for participation utilizing the administrative appeal regulations provided in 7 CFR part 614.

(b) Before a person may seek judicial review of any action taken under this part, the person must exhaust all administrative appeal procedures set forth in paragraph (a) of this section, and for the purposes of judicial review, no decision shall be a final agency action except a decision of the U. S. Department of Agriculture under these provisions.

§ 1491.32 Scheme or device.

(a) If it is determined by the Secretary that a cooperating entity has employed a scheme or device to defeat the purposes of this part, any part of any program payment otherwise due or paid

such a cooperating entity during the applicable period may be withheld or be required to be refunded with interest thereon, as determined appropriate by CCC.

(b) A scheme or device includes, but is not limited to, coercion, fraud, misrepresentation, depriving any other person or entity of payments for easements for the purpose of obtaining a payment to which a person would otherwise not be entitled.

Signed in Washington, DC, on May 8, 2003.

Bruce I. Knight,

Vice President, Commodity Credit Corporation and Chief, Natural Resources Conservation Service.

[FR Doc. 03-12064 Filed 5-15-03; 8:45 am]

BILLING CODE 3410-16-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003-NE-16-AD; Amendment 39-13145; AD 2003-08-52]

RIN 2120-AA64

Airworthiness Directives; GE Aircraft Engines CT7-9B Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 2003-08-52 that was sent previously to all known U.S. owners and operators of GE Aircraft Engines (GEAE) CT7-9B turboprop engines. This AD requires rigging the compressor variable geometry (VG) to VG schedule N. This AD is prompted by reports of 12 compressor stall events that occurred over a six-month period. The actions specified in this AD are intended to prevent a dual-engine in-flight shutdown or power loss due to a compressor stall during deceleration from takeoff power to climb power.

DATES: Effective June 2, 2003, to all persons except those persons to whom it was made immediately effective by emergency AD 2003-08-52, issued on April 15, 2003, which contained the requirements of this amendment. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of June 2, 2003.

We must receive any comments on this AD by July 15, 2003.

ADDRESSES: Use one of the following addresses to submit comments on this AD:

- By mail: The Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003-NE-16-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

- By fax: (781) 238-7055.

- By e-mail: 9-ane-adcomment@faa.gov.

You may get the service information referenced in this AD from GE Aircraft Engines Customer Support Center, M/D 285, 1 Neumann Way, Evendale, OH 45215, telephone (513) 552-3272, fax (513) 552-3329, e-mail GEAE.csc@ae.ge.com.

You may examine the AD docket, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA. You may examine the service information, 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:

Anthony W. Cerra Jr., Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299, telephone (781) 238-7128; fax (781) 238-7199.

SUPPLEMENTARY INFORMATION: On April 15, 2003, we issued emergency AD 2003-08-52, that is applicable to GEAE CT7-9B turbofan engines. That emergency AD requires rigging the compressor VG to VG schedule N. That action was prompted by reports of 12 compressor stall events that occurred over a six-month period. This is in contrast to recent historical experience of four to six stall events per year. The stall events have occurred on deceleration when transitioning from takeoff power to climb power. Of the 10 events under investigation, nine had the compressor VG rigged to the VG schedule N1. The manufacturer's maintenance manuals and related service bulletins permit the compressor VG to be rigged to either the VG schedule N or the VG schedule N1. The VG schedule N provides a higher stall margin at the expense of a small reduction of engine performance margin as compared to the VG schedule N1. Since 1992, the manufacturer has recommended that overhaul shops use the VG schedule N only. VG schedule N provides more stall margin on used engines, which inherently have a lower

stall margin due to wear or deterioration. Other factors that contribute to lower stall margins include dirty compressors and the increased compressor clearances that occur during the first takeoff of the day. This condition, if not corrected, could result in a dual-engine in-flight shutdown or power loss due to a compressor stall during deceleration from takeoff power to climb power.

Relevant Service Information

We have reviewed and approved the technical contents of GEAE Alert Service Bulletin (ASB) No. CT7-TP S/B 72-A0328, Revision 1, dated April 8, 2003. That ASB describes procedures for rigging the compressor VG to the VG schedule N.

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other GEAE CT7-9B turboprop engines of the same type design. Therefore, we are issuing this AD to prevent a dual-engine in-flight shutdown or power loss due to a compressor stall during deceleration from takeoff power to climb power. This AD requires:

- If both engines on the airplane are rigged to VG schedule N1, rigging the compressor VG on one engine to VG schedule N within 30 flight hours (FH) or 3 days after the effective date of this AD, whichever occurs later and,
- Rigging the remaining engine compressor VG to VG schedule N within 100 FH or 10 days after the effective date of this AD, whichever occurs earlier.
- If only one engine is rigged to VG schedule N1, rigging the compressor VG to VG schedule N within 100 FH or 10 days after the effective date of this AD, whichever occurs earlier.

You must do the actions per GEAE ASB No. CT7-TP S/B 72-A0328, Revision 1, dated April 8, 2003, described previously.

FAA's Determination of the Effective Date

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment were impracticable and contrary to the public interest and that good cause existed to make the AD effective immediately on April 15, 2003, to all known U.S. owners and operators of GEAE CT7-9B turboprop engines. These conditions still exist, and we are publishing the AD in the **Federal Register** as an amendment to section 39.13 of part 39 of the Federal Aviation

Regulations (14 CFR part 39) to make it effective to all persons.

Changes to 14 CFR Part 39—Effect on the AD

On July 10, 2002, we issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs our AD system. This regulation now includes material that relates to special flight permits, alternative methods of compliance, and altered products. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Interim Action

The investigation to determine the root causes of the decel stall events is ongoing. We may take further rulemaking action when we have identified the root causes.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. 2003-NE-16-AD" in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it; we will date-stamp your postcard and mail it back to you. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it. If a person contacts us through a nonwritten communication, and that contact relates to a substantive part of this AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend the AD in light of those comments.

We are reviewing the writing style we currently use in regulatory documents. We are interested in your comments on whether the style of this document is clear, and your suggestions to improve the clarity of our communications with you. You may get more information about plain language at <http://www.plainlanguage.gov>.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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.

For the reasons discussed above, I certify that the 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. 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.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "AD Docket No. 2003-NE-16-AD" in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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. The FAA amends § 39.13 by adding the following new airworthiness directive:

2003-08-52 GE Aircraft Engines:

Amendment 39-13145. Docket No. 2003-NE-16-AD.

Effective Date

(a) This amendment becomes effective June 2, 2003, to all persons except those persons to whom it was made immediately effective by emergency AD 2003-08-52, issued April 15, 2003.

Affected ADs

(b) None.

Applicability

(c) This AD applies to GEAE CT7-9B turboprop engines. These engines are installed on, but not limited to Saab Aircraft AB 340B airplanes.

Unsafe Condition

(d) This AD was prompted by reports of 12 compressor stall events that occurred over a six month period. The actions specified in this AD are intended to prevent a dual-engine in-flight shutdown or power loss due to a compressor stall during deceleration from takeoff power to climb power.

Compliance

(e) Compliance with the requirements of this AD is required as indicated unless already done.

Determining Compressor VG Rigging Schedule

(f) Determine which schedule was used to rig the compressor VG. The serial numbers (SNs) contained in Table 1 of this AD are known to have been rigged to VG schedule N1. Engines with SNs that are not listed in Table 1 might be rigged to VG schedule N1. You must review the engine records to determine if the engines are rigged to VG schedule N1 using GEAE Service Bulletin (SB) No. CT7-TP S/B 72-0241, dated April 6, 1990. Table 1 follows:

TABLE 1.—SNS OF ENGINES KNOWN TO HAVE BEEN RIGGED TO VG SCHEDULE N1

| | | | | | |
|--------|--------|--------|--------|--------|--------|
| 785102 | 785104 | 785106 | 785107 | 785109 | 785111 |
| 785112 | 785113 | 785117 | 785118 | 785125 | 785128 |
| 785129 | 785131 | 785133 | 785136 | 785138 | 785148 |
| 785150 | 785151 | 785152 | 785154 | 785160 | 785185 |
| 785188 | 785211 | 785231 | 785232 | 785234 | 785235 |
| 785237 | 785239 | 785241 | 785257 | 785259 | 785265 |
| 785266 | 785275 | 785322 | 785325 | 785326 | 785334 |
| 785375 | 785391 | 785400 | 785459 | 785460 | 785462 |
| 785465 | 785474 | 785476 | 785477 | 785480 | 785481 |
| 785487 | 785499 | 785506 | 785534 | 785538 | 785554 |
| 785569 | 785591 | 785592 | 785598 | 785603 | 785700 |
| 785759 | | | | | |

Rigging the Compressor VG to Schedule N

(g) If the compressor VGs of both engines on the airplane are rigged to VG schedule N using GEAE SB CT7-TP S/B 72-0328 dated June 9, 1992 or GEAE Alert Service Bulletin (ASB) CT7-TP S/B 72-A0328, Revision 1, dated April 8, 2003 no further action is required.

(h) If the compressor VGs on both engines on the airplane are rigged to VG schedule N1, do the following:

(1) Within 30 flight hours (FH) or 3 days after the effective date of this AD, whichever occurs later, rig the compressor VG on one engine to VG schedule N in accordance with 3.A.(1) through 3.A.(12) of the Accomplishment Instructions of GEAE ASB No. CT7-TP S/B 72-A0328, Revision 1, dated April 8, 2003.

(2) Within 100 FH or 10 days after the effective date of this AD, whichever occurs earlier, rig the compressor VG on the remaining engine to VG schedule N in accordance with 3.A.(1) through 3.A.(12) of

the Accomplishment Instructions of GEAE ASB No. CT7-TP S/B 72-A0328, Revision 1, dated April 8, 2003.

(i) If the compressor VG on one engine on the airplane is rigged to VG schedule N1, within 100 FH or 10 days after the effective date of this AD, whichever occurs earlier, rig the compressor VG to VG schedule N in accordance with 3.A.(1) through 3.A.(12) of the Accomplishment Instructions of GEAE ASB No. CT7-TP S/B 72-A0328, Revision 1, dated April 8, 2003.

Installation of Engines With VG Schedule N1

(j) After the effective date of this AD, do not install any CT7-9B turboprop engine that is rigged to VG schedule N1 on to any Saab Aircraft AB 340B airplane.

Alternative Methods of Compliance

(k) Alternative methods of compliance must be requested in accordance with 14 CFR part 39.19, and must be approved by the Manager, Engine Certification Office, Federal Aviation Administration (FAA).

Material Incorporated by Reference

(l) The rigging of the compressor VG must be done in accordance with GE Aircraft Engines Alert Service Bulletin (ASB) No. CT7-TP S/B 72-A0328, Revision 1, dated April 8, 2003. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may get a copy from GE Aircraft Engines Customer Support Center, M/D 285, 1 Neumann Way, Evendale, OH 45215, telephone (513) 552-3272, fax (513) 552-3329, email GEAE.csc@ae.ge.com. You may review copies 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.

Related Information

(m) Additional information to help minimize the occurrence of multiple-engine in-flight shutdowns or power loss may be

found in GEAE All Operator's Wire CT7-03-02, dated April 3, 2003.

Issued in Burlington, MA on May 7, 2003.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 03-11972 Filed 5-15-03; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002-NE-12-AD; Amendment 39-13148; AD 2003-10-03]

RIN 2120-AA64

Airworthiness Directives; Rolls-Royce plc Model RB211 Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), that is applicable to Rolls-Royce plc (RR) model RB211-535E4-37, RB211-535E4-B-37, and RB211-535E4-B-75 turbofan engines. This amendment requires removal from service of certain high pressure (HP) turbine discs before they reach newly established life limits. This amendment is prompted by the manufacturer's inspections and analysis of HP turbine discs that have accumulated high cycles. The actions specified by this AD are intended to prevent machining-induced cracking of the HP turbine disc which could cause an uncontained HP turbine disc failure and damage to the airplane.

DATES: Effective June 20, 2003.

ADDRESSES: Information regarding this action may be examined, by appointment, at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Ian Dargin, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299, telephone (781) 238-7178; fax (781) 238-7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to RR model RB211-535E4-B-37 and RB211-535E4-B-75 turbofan engines was published in the **Federal Register** on November 6, 2002 (67 FR 69160). That

action proposed to require removal from service of certain HP turbine discs before they reach newly established life limits.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Change Explanation for Cracking

One commenter states that the explanation for cracking in the HP disc rim cooling hole area is machining damage from new manufacture, and has nothing to do with the discs being sensitive to corrosion-induced cracking, as stated in the proposal. The commenter also states that RR had previously indicated that the proposed life reduction was due to the condition described in RR Mandatory Service Bulletin (MSB) No. 72-C817. This MSB states that HP turbine discs part numbers (P/Ns) UL10323, UL27680, and UL27681 are sensitive to cracking in the disc rim cooling hole area due to machining damage from new manufacture.

The FAA agrees. The cracking has been identified as occurring at the disc rim cooling hole area on the disc rear face. Although problems have been reported during overhaul, presumably due to rework or repair associated with, in part, corrosion, the primary explanation for this AD is machining damage. Therefore, in the final rule the explanation for cracking is changed to machining damage.

Clarification of Part Numbers

One commenter requests that HP turbine discs P/Ns UL39766 and UL39767 be removed from the applicability and disc P/N UL10323 be added. The commenter states that disc P/N UL39766 is not listed in the RR Engine Illustrated Parts Catalogue or the Time Limits Manual. The commenter states that disc P/N UL39767 was introduced by RR Service Bulletin (SB) No. 72-C817 and is not subject to damage by machining. The commenter also states that disc P/N UL10323 is listed in the Time Limits Manual with a life limit of 14,800 cycles-since-new (CSN). Service Bulletin No. 72-C817 lists disc P/N UL10323, indicating that it is sensitive to cracking due to machining damage from manufacture.

The FAA agrees. We determined that HP turbine disc P/N UL39766 was never produced by RR and is, therefore, removed from the final rule. Also, disc P/N UL39767 was introduced as a new part to replace disc P/N UL27681, and

has, therefore, been removed from the final rule. Disc P/N UL10323 is affected by machining damage and is added to the final rule applicability with a life limit of 14,800 CSN.

Add Engine Model to Applicability

One commenter asks if the RB211-535E4-37 engine should be included in the applicability.

The FAA agrees that this AD should be applicable to engine model RB211-535E4-37. Therefore, this model is now listed in the final rule.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Economic Analysis

There are approximately 400 RR model RB211-535E4-37, RB211-535E4-B-37, and RB211-535E4-B-75 turbofan engines in the worldwide fleet containing the affected HP turbine discs, P/Ns UL10323, UL27680, and UL27681. The FAA estimates that 346 engines installed on airplanes of U.S. registry will be affected by this AD, that it will take approximately 112 work hours per engine to replace an affected disc, and that the average labor rate is \$60 per work hour. The FAA estimates that the prorated cost of the life reduction per engine would be approximately \$64,000. Based on these figures, the total cost of the AD to remove HP turbine discs P/Ns UL27680 and UL27681 from service before accumulating 15,000 cycles-since-new (CSN) and HP turbine discs P/N UL10323 from service before accumulating 14,800 CSN, rather than the former life limit of 20,000 CSN, is estimated to be \$24,469,120.

Regulatory Analysis

This final rule does not have federalism implications, as defined in Executive Order 13132, because it 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a