

16116, March 23, 2001), and by adding a new airworthiness directive (AD), amendment 39–12498, to read as follows:

**2001–23–01 Boeing:** Amendment 39–12498. Docket 2001–NM–20–AD. Supersedes AD 2001–06–08, Amendment 39–12155.

*Applicability:* Model 737–600, –700, and –800 series airplanes; line numbers 1 through 84 inclusive; certificated in any category.

**Note 1:** This AD applies to each airplane 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 airplanes 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:* Required as indicated, unless accomplished previously.

To prevent fatigue cracking of the elevator hinge plates, which could lead to the loss of the attachment of the elevator to the horizontal stabilizer, and consequent reduced controllability of the airplane, accomplish the following:

#### **Restatement of Requirements of AD 2001–06–08**

##### *Inspections and Corrective Actions*

(a) Prior to the accumulation of 7,000 total flight cycles or within 90 days after April 9, 2001 (the effective date of AD 2001–06–08), whichever occurs later, perform high frequency eddy current and detailed visual inspections of the hinge plate at elevator hinge 4, and a detailed visual inspection of the elevator hinge plate lugs (three locations) at elevator hinges 3, 5, 6, 7, and 8. Do these inspections per Part I of the Accomplishment Instructions of Boeing Service Bulletin 737–55–1067, dated October 19, 2000. Repeat the inspections thereafter no later than every 4,000 flight cycles, per the service bulletin, until paragraph (b) of this AD has been accomplished. If any cracking or unusual wear (*i.e.*, elongated holes, loose or missing nuts or bolts, or missing primer or finish) is found during any inspection per this paragraph, before further flight, replace the affected hinge plate with a new, improved hinge plate, and modify the elevator upper skin, the upper and lower hinge covers, and the upper and lower closure panels, as applicable, per the service bulletin, except as provided by paragraph (c) of this AD. Such replacement and modification ends the repetitive inspections for the replaced hinge plate.

**Note 2:** For the purposes of this AD, a detailed visual inspection is defined as: “An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally

supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.”

#### **New Requirements of This AD**

##### *Replacement of Hinge Plates*

(b) Before the accumulation of 15,000 total flight cycles, or within 5 years since the airplane's date of manufacture, whichever occurs first: Replace the elevator hinge plates at hinges 3, 4, 5, 6, 7, and 8, with new, improved hinge plates; per Part II of the Accomplishment Instructions of Boeing Service Bulletin 737–55–1067, dated October 19, 2000, except as provided by paragraph (c) of this AD. The replacement includes modification of the elevator upper skin, the upper and lower hinge covers, and the upper and lower closure panels, as applicable. Doing this replacement ends the repetitive inspections required by this AD.

##### *Exception to Service Bulletin Instructions: Wear Limits*

(c) During the replacement of elevator hinge plates per paragraph (a) or (b) of this AD, where Boeing Service Bulletin 737–55–1067, dated October 19, 2000, specifies to contact Boeing for wear limits, before further flight, contact the Manager, Seattle Aircraft Certification Office (ACO), FAA, or a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For wear limits to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference 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, Seattle ACO. 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.

**Note 3:** 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**

(e) 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.

#### **Incorporation by Reference**

(f) Except as provided by paragraph (c) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 737–55–1067, dated October 19, 2000. This incorporation by reference was approved previously by the Director of the Federal Register as of April 9, 2001 (66 FR 16116, March 23, 2001). Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–

2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; 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 December 19, 2001.

Issued in Renton, Washington, on November 5, 2001.

**Vi L. Lipski,**

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

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**BILLING CODE 4910–13–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Coast Guard**

#### **33 CFR Part 117**

[CGD01–01–195]

**RIN 2115–AE47**

#### **Drawbridge Operation Regulations: New Rochelle Harbor, NY**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary regulations governing the operation of the Glen Island Bridge, mile 0.8, across the New Rochelle Harbor at New Rochelle, New York. This temporary final rule allows the bridge to remain in the closed position from 7 a.m. on November 26, 2001 through 5 p.m. on April 26, 2002. This action is necessary to facilitate electrical and mechanical repairs at the bridge.

**DATES:** This temporary final rule is effective from November 26, 2001 through April 26, 2002.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the First Coast Guard District Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joe Schmied, Project Officer, First Coast Guard District, at (212) 668–7165.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory History**

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a notice of proposed rulemaking (NPRM). This closure is not expected to have a

significant impact on navigation. Known waterway users have been notified of the closure date and none objected. Vessel traffic on New Rochelle Harbor, during the effective period of the rule, is comprised of recreational vessels only, which may use an alternate route to open water, while the bridge is in a closed position for repairs. Accordingly, an NPRM was considered unnecessary.

Moreover, the delay inherent in the NPRM process is considered contrary to the public interest. The existing electrical and mechanical equipment at the bridge was installed in 1927. The bridge owner can no longer satisfactorily maintain this equipment in reliable operable condition due to its age and the difficulty in obtaining replacement parts. The prompt commencement of the electrical and mechanical repairs is necessary to assure safe reliable operation of the bridge.

### Background and Purpose

The Glen Island Bridge, mile 0.8, has a vertical clearance of 13 feet at mean high water and 20 feet at mean low water in the closed position. The current operating regulations listed at 33 CFR 117.802, require the bridge to open on signal; except that, from May 1 to October 31, midnight to 6 a.m., a two-hour advance notice is required for bridge openings and from November 1 through April 30, from 8 p.m. to 8 a.m., a twenty-four hours advance notice is required for bridge openings.

The bridge owner, Westchester Department of Public Works, requested a temporary change to the operating regulations governing the Glen Island Bridge to allow the bridge to remain in the closed position from 7 a.m. on November 26, 2001 through 5 p.m. on April 26, 2002, to facilitate electrical and mechanical repairs at the bridge.

New Rochelle Harbor is used exclusively by recreational vessels. All known recreational boating facilities and interested parties were contacted regarding this necessary closure for bridge maintenance. No objections were received. Additionally, vessels located upstream from this bridge have an alternate route to open water; therefore, this closure will not have a significant impact on vessel traffic. The Coast Guard believes this temporary final rule is reasonable and will satisfy both the needs of navigation and the bridge owner's maintenance schedule.

### Regulatory Evaluation

This temporary final 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. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; Feb. 26, 1979). The Coast Guard expects the economic impact of this temporary final 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 mariners can take an alternate route during this bridge closure.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612) we considered whether this temporary final rule would have a significant economic impact on a substantial number of small entities. “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 less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based on the fact that the mariners can take an alternate route during this bridge closure.

### Collection of Information

This temporary final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### Federalism

The Coast Guard has analyzed this temporary final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this temporary final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard considered the environmental impact of this temporary final rule and concluded that, under Section 2.B.2., Figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this temporary final rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found not to have a significant effect on the environment. A written “Categorical Exclusion

Determination” is not required for this temporary final rule.

### Indian Tribal Governments

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have 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.

### Energy Effects

We have analyzed this 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.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 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 Pub. L. 102–587, 106 Stat. 5039.

2. From November 26, 2001, through April 26, 2002, in § 117.802, paragraph (a)(2) is suspended and paragraph (a)(3) is temporarily added to read as follows:

#### § 117.802 New Rochelle Harbor.

(a) \* \* \*

(3) The Glen Island Bridge need not open for the passage of vessel traffic from November 26, 2001, through April 26, 2002.

\* \* \* \* \*

Dated: October 25, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander,  
First Coast Guard District.

[FR Doc. 01-28370 Filed 11-13-01; 8:45 am]

BILLING CODE 4910-15-U

## POSTAL SERVICE

### 39 CFR Part 111

#### Delivery of Mail to a Commercial Mail Receiving Agency

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends section D042.2.0 of the *Domestic Mail Manual* (DMM) by adding section D042.2.8 to provide procedures to identify when an office business center (OBC) or part of its operation is considered a commercial mail receiving agency (CMRA) for postal purposes.

**EFFECTIVE DATE:** December 14, 2001.

**FOR FURTHER INFORMATION CONTACT:** Denise Love, 703-292-3743.

**SUPPLEMENTARY INFORMATION:** On July 11, 2001, the Postal Service published in the *Federal Register* a proposed rule to add section D042.2.8 to the *Domestic Mail Manual* (66 FR 36224-36226). In order to accommodate requests for additional time, the Postal Service extended the comment period to September 17, 2001 (66 FR 40663-40664). The proposed rule provided procedures to identify when an office business center (OBC) (sometimes called corporate executive center) or part of its operation is considered a commercial mail receiving agency (CMRA), for postal purposes.

#### Background Summary

It is expected that this notice of proposed rulemaking (NPRM) will be the culmination of an effort by the Postal Service to update and clarify its standards concerning the delivery of mail to CMRAs. The Postal Service has long had rules applicable to CMRAs. Approximately 5 years ago, following reviews demonstrating confusion regarding some of the standards and noncompliance in some instances, the Postal Service reviewed the standards and provided useful clarifications and modifications consistent with changes in the nature of the industry and the needs of postal customers. The initial revisions were published in the *Federal Register* (64 FR 14385-14391) on March 25, 1999.

Traditional CMRAs provide, as a principal service, mail receipt services for their customers. Thus, they provide

a mailing address and customers either pick up mail at an assigned "private mailbox" provided at the physical location of the CMRA, or they have the mail re-mailed to their actual address or another address they supply to the CMRA. The Postal Service has long required that individuals or businesses desiring the Postal Service to deliver their mail to a CMRA fill out a postal form (PS Form 1583, *Application for Delivery of Mail Through Agent*) authorizing delivery by the Postal Service. As part of this process, CMRAs have long been required to verify the party's identity. Additionally, CMRAs have also been required to register with their local Post Office. Among other things, the initial NPRM clarified these requirements. As part of its efforts, the Postal Service also updated PS Form 1583 and, for the first time, provided a standard "registration" form (PS Form 1583-A, *Application to Act as a Commercial Mail Receiving Agency*) for CMRAs.

The initial NPRM (64 FR 14385-14391), along with modifications that followed, addressed other issues. For example, based on privacy concerns expressed by some customers, particularly those working out of their homes and domestic violence victims, the Postal Service modified existing rules to limit the release of information (65 FR 3857-3859). The Postal Service also clarified the responsibility of CMRAs to re-mail mail addressed to former clients, significantly reducing the length of that obligation. The Postal Service also adopted addressing standards for CMRA addresses; no specific postal standards previously existed. Nothing in CMRA regulations had prohibited CMRA customers from citing the "PMB" (private mailbox) number assigned by the CMRA as a "suite," even though this may have led some correspondents to believe the CMRA customer to be located at a physical office at the CMRA street address. Under the new standard, CMRA customers are now given the option of using "PMB" or the alternative "#" sign to designate the private mailbox assigned by the CMRA.

As the Postal Service has become aware, CMRA-type services are now offered by businesses other than traditional CMRAs. These businesses may primarily offer services other than CMRA services, but as an additional business also offer CMRA services. For example, some firms offering storage units may also erect mailboxes and provide mail receipt services to some of their customers. The CMRA rules are applicable to all businesses that provide agent-mailing services to their

customers, whether or not the "CMRA" label is used to describe the business. Customers of those businesses that receive CMRA-type services are required to follow the same procedures as CMRA customers.

An OBC is another type of business that may provide CMRA-type services to some customers. Generally, OBCs provide private office space for customers along with other business support services. However, some OBCs have customers who do not rent private office space, but only use the OBC for mail receipt (and sometimes other business support services as well). These customers may rent meeting rooms or offices from the OBC on an as-needed basis. Other customers may rent private office space on a part-time basis. These customers generally are not assigned a specific private office for their use, but are assigned to use one of the open private offices in the OBC when they choose to use their allotted time. Customers using private offices on a full- or part-time basis also receive mail at the OBC address. The policy of the Postal Service has long been that OBCs who offer and OBC customers who receive CMRA-type service should follow the same procedures as CMRAs and CMRA customers. However, the Postal Service had not published clear guidelines in this area. During its review of the CMRA standards, the Postal Service was asked to publish such guidelines.

Before formally proposing such rules, the Postal Service asked interested parties for their views. Some principles appear relatively clear. OBC customers who rent private office space on a full-time basis should not be considered CMRA customers. Although they do receive mail at the OBC address, that is incidental to their tenancy. In contrast, OBC customers who contract for mail and other business support services and are not physically located at the OBC address should be treated as CMRA customers. The difficult question is the treatment of OBC customers who contract for private office space on a part-time basis, for example, what part-time customers should be treated as CMRA customers for postal purposes? The Postal Service does not believe that all part-time customers should be considered CMRA customers. However, as the right to occupy space decreases, the Postal Service believes that, at some point, mail service becomes a primary service for the customer rather than incidental to occupancy of private office space.

The purpose of the Postal Service's rulemaking efforts concerning OBCs was to provide guidance when an OBC or a