

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 (c) 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 failure of the thrust reverser deactivation pins, which could result in deployment of the thrust reverser in flight and consequent reduced controllability of the airplane, accomplish the following:

#### Replacement

(a) Within 24 months after the effective date of this AD, replace the existing deactivation pin, pin bushing in the aft cascade mounting ring, and pin insert on each thrust reverser half, with new, improved components, according to Boeing Alert Service Bulletin 767-78A0089, Revision 1, dated May 30, 2002.

**Note 2:** The new, improved insert flange and pin bushing does not physically preclude use of a deactivation pin having P/N 315T1604-2 or -5. However, use of deactivation pins having P/N 315T1604-2 or -5 may not prevent the thrust reversers from deploying in the event of a full powered deployment. Therefore, thrust reversers modified per this AD are required to be installed with the new, longer deactivation pins having P/N 315T1604-6, as specified in the service bulletin.

#### Credit for Actions Accomplished According to Previous Service Bulletin Issue

(b) Replacements accomplished before the effective date of this AD according to Boeing Alert Service Bulletin 767-78A0089, dated July 19, 2001, are acceptable for compliance with the corresponding action required by this AD.

#### Alternative Methods of Compliance

(c) 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.

**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

(d) 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 accomplished.

#### Incorporation by Reference

(e) Unless otherwise specified in this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 767-78A0089, Revision 1, dated May 30, 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 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

(f) This amendment becomes effective on November 5, 2002.

Issued in Renton, Washington, on September 19, 2002.

**Vi L. Lipski,**

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

[FR Doc. 02-24405 Filed 9-30-02; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002-CE-03-AD; Amendment 39-12890; AD 2002-19-10]

**RIN 2120-AA64**

#### Airworthiness Directives; Air Tractor, Inc. Models AT-402, AT-402A, AT-402B, AT-602, AT-802, and AT-802A Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to certain Air Tractor, Inc. (Air Tractor) Models AT-402, AT-402A, AT-402B, AT-602, AT-802, and AT-802A airplanes. This AD requires you to repetitively inspect the upper longeron and upper diagonal tube on the left hand side of the aft fuselage structure for cracks and contact the manufacturer

for a repair scheme if cracks are found. This AD is the result of reports of excessive movement in the empennage due to the loss of fuselage torsional rigidity. The actions specified by this proposed AD are intended to prevent failure of the fuselage caused by cracks. Such failure could result in loss of control of the airplane.

**DATES:** This AD becomes effective on November 15, 2002.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of November 15, 2002.

**ADDRESSES:** You may get the service information referenced in this AD from Air Tractor, Incorporated, P.O. Box 485, Olney, Texas 76374. You may view this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002-CE-03-AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Andrew D. McAnaul, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone: (817) 222-5156; facsimile: (817) 222-5960.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

##### *What Events Have Caused This AD?*

The FAA received reports of three occurrences of cracks found on the left hand upper longeron and upper diagonal support tubes where they intersect on the left hand side of the fuselage frame just forward of the vertical fin front spar attachment point on Air Tractor Model AT-602 airplanes. The crack starts at the forward edge of the weld where the tubes come together. We initially determined that the cracks resulted from high vertical tail loads during repeated hard turns. The cracks were found by the pilot and/or ground crew when they noticed excessive movement in the empennage due to the loss of torsional rigidity.

Air Tractor started installing extended reinforcement gussets on AT-402 and AT-802 series airplanes at the factory to alleviate the crack condition from occurring. The extended reinforcement gussets were intended to transfer the

loads away from the joint. However, further cracking has been reported on 3 more AT-602 airplanes, as well as 1 AT-402 series, and 3 AT-802 series airplanes. One of the AT-802 airplanes had the extended reinforcement gusset installed during factory production. Air Tractor discovered that the factory installed extended reinforcement gusset, which runs further forward than the original gusset, is also cracking at the forward end of the extended gusset.

*What Is the Potential Impact if FAA Took No Action?*

This condition, if not corrected, could cause the fuselage to fail. Such failure could result in loss of control of the airplane.

*Has FAA Taken Any Action to This Point?*

We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Air Tractor Model AT-402, AT-402A, AT-402B, AT-602, AT-802, and AT-802A airplanes. This proposal was published in the **Federal Register** as a supplemental notice of proposed rulemaking (NPRM) on June 28, 2002 (67 FR 43568). The supplemental NPRM proposed to require you to repetitively inspect the upper longeron and upper diagonal tube on the left hand side of the aft fuselage structure for cracks and contact the manufacturer for a repair scheme if cracks are found.

*Was the Public Invited to Comment?*

The FAA encouraged interested persons to participate in the making of this amendment. We did not receive any comments on the proposed rule or on our determination of the cost to the public.

**FAA's Determination**

*What Is FAA's Final Determination on This Issue?*

After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We have determined that these minor corrections:

- provide the intent that was proposed in the NPRM for correcting the unsafe condition; and
- do not add any additional burden upon the public than was already proposed in the NPRM.

*Is There a Modification I Can Incorporate Instead of Repetitively Inspecting the Left Hand Upper Longeron and Upper Diagonal Tube of the Fuselage Frame for Cracks?*

The FAA has determined that long-term continued operational safety would be better assured by design changes that remove the source of the problem rather than by repetitive inspections or other special procedures. With this in mind, FAA will continue

to work with Air Tractor in performing further tests to determine the cause of the cracking and to provide a corrective action, terminating the need for repetitive inspections.

*Why Are Air Tractor AT-500 Series Airplanes Not Included in This AD?*

The Air Tractor AT-500 series airplanes have a similar design in the upper longeron in the aft fuselage structure. However, we have not received any reports of damage in this area on those airplanes. The only reports of damage are those previously referenced on the AT-402 series airplanes, Model AT-602 airplanes, and AT-802 series airplanes.

Air Tractor is currently researching this subject on the AT-500 series airplanes. Based on this research and if justified, we may propose additional rulemaking on this subject for these other airplanes.

**Cost Impact**

*How Many Airplanes Does This AD Impact?*

We estimate that this AD affects 248 airplanes in the U.S. registry.

*What Is the Cost Impact of This AD on Owners/Operators of the Affected Airplanes?*

We estimate the following costs to accomplish the inspection(s):

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 workhour × \$60 = \$60 .....	No parts required .....	\$60.	\$60 X 248 = \$14,880.

We have no method of determining the number of repairs or replacements each owner/operator would incur over the life of each of the affected airplanes based on the results of the proposed inspections. We have no way of determining the number of airplanes that may need such repair. The extent of damage may vary on each airplane.

**Regulatory Impact**

*Does This AD Impact Various Entities?*

The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

*Does This AD Involve a Significant Rule or Regulatory Action?*

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 “significant rule” under 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. A copy of the final 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, 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. FAA amends § 39.13 by adding a new AD to read as follows:

**2002-19-10 Air Tractor, Inc.: Amendment 39-12890; Docket No. 2002-CE-03-AD.**

(a) *What airplanes are affected by this AD?* This AD affects the following airplane models and serial numbers that are certificated in any category.

Model	Serial No.
AT-402 .....	All serial numbers beginning with 402-0694.

Model	Serial No.
AT-402A ....	All serial numbers beginning with 402A-0738.
AT-402B ....	All serial numbers beginning with 402B-0966.
AT-602 .....	All serial numbers.
AT-802 .....	All serial numbers.
AT-802A ....	All serial numbers.

(b) *Who must comply with this AD?*

Anyone who wishes to operate any of the airplanes identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?*

The actions specified by this AD are intended to prevent failure of the empennage caused by cracks. Such failure could result in loss of control of the airplane.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Inspect the upper longeron and upper diagonal tube on the left hand side of the fuselage frame, just forward of the vertical fin front spar attachment, for cracks.	Initially inspect within the next 100 hours time-in-service (TIS) after November 15, 2002 (the effective date of this AD) and thereafter at intervals not to exceed 100 hours TIS.	In accordance with Snow Engineering Co. Service Letter #195, dated February 4, 2000, and the applicable maintenance manual.
(2) If cracks are found during any inspection required in paragraph (d)(1) of this AD, accomplish the following: (i) Obtain a repair scheme from the manufacturer through the FAA at the address specified in paragraph (f) of this AD; and (ii) Incorporate this repair scheme.	Obtain and incorporate the repair scheme prior to further flight after inspection in which the cracks are found. Continue to inspect as specified in paragraph (d)(1) of this AD.	In accordance with the repair scheme obtained from Air Tractor, Incorporated, P.O. Box 485, Olney, Texas 76374. Obtain this repair scheme through the FAA at the address specified in paragraph (f) of this AD.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Fort Worth Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

**Note:** This AD applies to each airplane identified in paragraph (a) of this AD, 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 (e) 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Andrew D. McAnaul, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone: (817) 222-5156; facsimile: (817) 222-5960.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Snow Engineering Co. Service Letter #195, dated February 4, 2000. The Director of the Federal Register approved this incorporation

by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You may get copies from Air Tractor, Incorporated, P.O. Box 485, Olney, Texas 76374. You may view copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on November 15, 2002.

Issued in Kansas City, Missouri, on September 18, 2002.

**Michael Gallagher,**

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02-24404 Filed 9-30-02; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 990

[Docket No. 990608154-2213-02]

**RIN 0648-AM80**

### Natural Resource Damage Assessments

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** On January 5, 1996, the National Oceanic and Atmospheric Administration (NOAA) promulgated final regulations for the assessment of natural resource damages pursuant to section 1006(e)(1) of the Oil Pollution Act of 1990 (OPA). The final regulations

were challenged, pursuant to section 1017(a) of OPA. On November 18, 1997, the United States Court of Appeals for the District of Columbia Circuit issued a ruling on the final regulations (*General Electric Co., et al., v. Commerce*, 128 F.3d 767 (D.C. Cir. 1997)). On July 31, 2001, NOAA published proposed amendments to the final regulations to address the remanded issues and to propose some clarifying and technical amendments in other parts of the regulation. This final rule addresses the remanded issues and comments received.

**EFFECTIVE DATE:** October 31, 2002.

**FOR FURTHER INFORMATION CONTACT:** Eli Reinharz, 301-713-3038, ext. 193 (FAX: 301-713-4387; e-mail:

[Eli.Reinharz@noaa.gov](mailto:Eli.Reinharz@noaa.gov)) or Linda Burlington, 301-713-1332 (FAX: 301-713-1229; e-mail: [Linda.B.Burlington@noaa.gov](mailto:Linda.B.Burlington@noaa.gov)).

**SUPPLEMENTARY INFORMATION:** In the event of a discharge or substantial threat of a discharge of oil (incident), the Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701 *et seq.*, provides that Federal, State, Indian tribal, and/or foreign natural resource trustees (trustees) assess natural resource damages and develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources and their services. Congress directed the National Oceanic and Atmospheric Administration (NOAA) to promulgate regulations for the assessment of natural