

involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

**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 airworthiness directive (AD) to read as follows:

**2002-19-04 Raytheon Aircraft Company:**  
Amendment 39-12884; Docket No. 2002-CE-37-AD.

(a) *What airplanes are affected by this AD?*  
This AD applies to Model 390 airplanes, serial numbers RB-4 through RB-15, RB-19

through RB-32, and RB-34 through RB-40, that are certificated in any category.

(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 correct the air gap clearance between the fuel probe and the adjacent wing fuel tank access panel, which could result in arcing between the two conductive materials in the event of a lightning strike. This could serve as an ignition source inside the fuel tank and result in fire or explosion.

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

Actions	Compliance	Procedures
(1) Replace the existing upper and lower fuel probe brackets with new upper and lower fuel probe brackets, part numbers 390-920304-001/002 (upper) and 390-920305-001/002 (lower), or FAA-approved equivalent part numbers.	Within the next 50 hours time-in-service after October 4, 2002 (the effective date of this AD).	In accordance with Raytheon Aircraft Mandatory Service Bulletin SB 28-3537, Rev. 1, Revised: August, 2002.
(2) Do not install upper and lower fuel probe brackets that are not part numbers 390-920304-001/002 (upper) and 390-920305-001/002 (lower), or FAA-approved equivalent part numbers.	As of October 4, 2002 (the effective date of this AD).	Not applicable.

**Note 1:** The compliance time of this AD differs from that specified in Raytheon Aircraft Mandatory Service Bulletin SB 28-3537, Rev. 1, Revised: August, 2002. This AD takes precedence over any other information on the affected airplanes.

(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, Wichita 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, Wichita ACO.

**Note 2:** 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 James P. Galstad, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946-4135; facsimile: (316) 946-4407.

(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 §§ 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 Raytheon Aircraft Mandatory Service Bulletin SB 28-3537, Rev. 1, Revised: August, 2002. 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 Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085; telephone: (800) 429-5372 or (316) 676-3140. 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 October 4, 2002.

Issued in Kansas City, Missouri, on September 13, 2002.

**Michael Gallagher,**  
Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02-23880 Filed 9-23-02; 8:45 am]

**BILLING CODE 4910-13-U**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2002-SW-11-AD; Amendment 39-12886; AD 2002-19-06]

**RIN 2120-AA64**

**Airworthiness Directives; Eurocopter France Model EC 155B Helicopters**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) for Eurocopter France (Eurocopter) Model

EC 155B helicopters with certain SMD45H multi-functional displays. This action requires replacing the "AC" SMD45H multi-functional display interconnection board (interconnection board) of the affected displays with a "BC" interconnection board. This amendment is prompted by an incident of smoke in a cockpit caused by overheating of the interconnection board. The actions specified in this AD are intended to prevent an electrical discontinuity in the grounding plane inside the SMD45H multi-functional display, which can result in overheating of the interconnection board, smoke in the cockpit, and subsequent loss of control of the helicopter.

**DATES:** Effective October 9, 2002.

Comments for inclusion in the Rules Docket must be received on or before November 25, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2002-SW-11-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*.

**FOR FURTHER INFORMATION CONTACT:** Jorge Castillo, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193-0110, telephone (817) 222-5127, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** The Direction Generale De L'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Eurocopter Model EC 155B helicopters. The DGAC advises that a manufacturing anomaly on the "AC" interconnection board of certain display screens might cause discontinuity inside the grounding plane and result in overheating of the board and smoke in the cockpit. One case of smoke in the cockpit occurred at the manufacturer's facility.

Eurocopter has issued Alert Telex No. 04A004, dated November 22, 2001, which specifies replacement of SMD45H screens equipped with interconnection boards that might show some non-conformities with the manufacturing requirements. The DGAC classified this alert telex as mandatory and issued AD 2001-617-004(A), dated December 26, 2001, to ensure the continued airworthiness of these helicopters in France.

This helicopter model is manufactured in France and is type certificated for operation in the United

States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable 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.

This unsafe condition is likely to exist or develop on other helicopters of the same type design registered in the United States. Therefore, this AD is being issued to prevent an electrical discontinuity inside the grounding plane, which can result in overheating of the interconnection board, smoke in the cockpit, and subsequent loss of control of the helicopter. This AD requires, within 30 days after the effective date of this AD, replacing the "AC" interconnection board of the affected displays with a "BC" interconnection board. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability or structural integrity of the helicopter. Therefore, replacing the "AC" interconnection board of the affected displays with a "BC" interconnection board is required within 30 days, and this AD must be issued immediately.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

The FAA estimates that 2 helicopters will be affected by this AD, that it will take approximately 1 work hour to accomplish the interconnection board replacement, and that the average labor rate is \$60 per work hour. Required parts cost approximately \$200 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$520.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption "ADDRESSES." All

communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2002-SW-11-AD." The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from 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.

**Adoption of the Amendment**

Accordingly, pursuant to 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. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2002-19-06 **Eurocopter France:**  
Amendment 39-12886. Docket No. 2002-SW-11-AD.

*Applicability:* Model EC 155B helicopters, with SMD45H multi-functional displays, part numbers C19209VF11, C19209VG11, C19267EF10, C19267EG10, C19267VF11, or C19267VG11, having serial numbers from 201 through 284 inclusive, which are *not* followed by the letter "M", installed, 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 within 30 days, unless accomplished previously.

To prevent an electrical discontinuity in the grounding plane inside the SMD45H multi-functional display, which can result in overheating of the interconnection board, smoke in the cockpit, and subsequent loss of control of the helicopter, accomplish the following:

(a) Replace the "AC" interconnection board of the affected SMD45H multi-functional display with a "BC" interconnection board.

(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 will not be issued.

(d) This amendment becomes effective on October 9, 2002.

**Note 3:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD No. 2001-617-004(A), dated December 26, 2001.

Issued in Fort Worth, Texas, on September 13, 2002.

**Eric Bries,**

*Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.*

[FR Doc. 02-24181 Filed 9-23-02; 8:45 am]

**BILLING CODE 4910-13-P**

**SECURITIES AND EXCHANGE COMMISSION****17 CFR Part 240****General Rules and Regulations, Securities Exchange Act of 1934***CFR Correction*

In Title 17 of the Code of Federal Regulations, part 240 to end, revised as of April 1, 2002, § 240.15d-5, paragraph (c), is corrected by removing the words "and Form 10-SB".

[FR Doc. 02-55520 Filed 9-23-02; 8:45 am]

**BILLING CODE 1505-01-D**

**DEPARTMENT OF LABOR****Employment and Training Administration****20 CFR Part 655****RIN 1205-AB30****Labor Certification and Petition Process for the Temporary Employment of Nonimmigrant Aliens in Agriculture in the United States; Delegation of Authority To Adjudicate Petitions; Withdrawal of Final Rule**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Withdrawal of final rule.

**SUMMARY:** The Department of Labor (Department or DOL) is withdrawing its Final Rule published in the **Federal Register** at 65 FR 43538 (July 13, 2000) pertaining to the delegation of authority from the Immigration and Naturalization Service (INS) to the Department of Labor (Department or DOL) to adjudicate petitions for the temporary employment of nonimmigrant aliens in agriculture in the United States.

**DATES:** The final rule amending 20 CFR part 655, published at 65 FR 43538 (July

13, 2000) and deferred at 65 FR 67628 (November 13, 2000) and 66 FR 49275 (September 27, 2001), is withdrawn as of September 24, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Charlene G. Giles, Team Leader, Sections H-2A and H-2B, Division of Foreign Labor Certification, Employment and Training Administration, U.S. Department of Labor, Room C-4318, 200 Constitution Avenue NW, Washington, DC 20210. Telephone (202) 693-2950 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** In 2000, the INS published a Final Rule transferring to the Secretary of Labor the authority to adjudicate petitions for temporary agricultural workers and the authority to decide appeals on these decisions and to make determinations for revocation of petition approvals. 65 FR 43528 (July 13, 2000). It had an effective date of November 13, 2000. The Department of Labor published a Final Rule implementing and accepting that delegation. 65 FR 43538 (July 13, 2000). It also had an effective date of November 13, 2000.

Subsequently, the INS deferred through October 1, 2001, the effective date of the delegation. 65 FR 67616 (November 13, 2000). DOL also deferred through October 1, 2001, its acceptance of the delegation. 65 FR 67628 (November 13, 2000). The Department invited comments on the deferral of the effective date, but no comments were received in response to the invitation.

When the delegation originally was made, the Department had published a companion Notice of Proposed Rulemaking (NPRM) setting forth implementation measures necessary for the successful implementation of the delegation of authority to adjudicate petitions. 65 FR 43545 (July 13, 2000). Among the implementation measures was a new form, Form ETA 9079, Application for Alien Employment Certification and H-2A Petition, which consolidated two current forms, Form ETA 750 (Application for Alien Employment Certification) and INS I-129 (Petition for Nonimmigrant Workers). The NPRM also set forth the implementation of a new fee schedule to collect a combined fee for processing the petition and labor certification application. It was contemplated that under the administrative procedures arrived at by INS and the Department's Employment and Training Administration (ETA) to implement the delegation of the petition authority from INS to DOL, that DOL would collect the petition fee on behalf of INS and would have been reimbursed by INS for the