''§ 319.37–2(c) of this subpart'' and adding in their place the words ''paragraph (c) of this section''.

b. In paragraph (b), introductory text, by removing the words ''§ 319.37–2(c) of this subpart'' and adding in their place the words ''paragraph (c) of this section''.

c. In paragraph (b)(1), introductory text, by removing the words ''trees or shrubs'' and adding in their place the words ''plants meeting the conditions in § 319.37–5(q)''.

d. In paragraph (b)(6)(i), by removing the words ''such as bonsai'' and adding in their place the words ''meeting the conditions in § 319.37–5(q)''.

e. In paragraph (b)(7), introductory text, by removing the words ''tree or shrub'' the second time they appear and adding in their place the words ''plant meeting the conditions in § 319.37–5(q)''.

§ 319.37–5 [Amended]

3. Section 319.37–5 is amended as follows:

a. By adding a new paragraph (q) to read as follows.

b. At the end of the section, by revising the OMB control number citation to read as follows.

§ 319.37–5 Special foreign inspection and certification requirements.

* * * * *

(q) Any artificially dwarfed plant imported into the United States must have been grown and handled in accordance with the requirements of this paragraph and must be accompanied by a phytosanitary certificate of inspection that was issued by the government of the country where the plants were grown.

(1) Any growing media, including soil, must be removed from the artificially dwarfed plants prior to shipment to the United States unless the plants are to be imported in accordance with § 319.37–8.

(2) The artificially dwarfed plants must be grown in accordance with the following requirements and the phytosanitary certificate required by this paragraph must contain declarations that those requirements have been met:

(i) The artificially dwarfed plants must be grown for at least 2 years in a greenhouse or screenhouse in a nursery registered with the government of the country where the plants were grown;

(ii) The greenhouse or screenhouse in which the artificially dwarfed plants are grown must have screening with openings of not more than 1.6 mm on all vents and openings, and all entryways must be equipped with automatic closing doors;

(iii) The artificially dwarfed plants must be grown in pots containing only sterile growing media during the 2-year period when they are grown in a greenhouse or screenhouse in a registered nursery;

(iv) The artificially dwarfed plants must be grown on benches at least 50 cm above the ground during the 2-year period when they are grown in a greenhouse or screenhouse in a registered nursery; and

(v) The plants and the greenhouse or screenhouse and nursery where they are grown must be inspected for any evidence of pests and found free of pests of quarantine significance to the United States at least once every 12 months by the plant protection service of the country where the plants are grown.

(Approved by the Office of Management and Budget under control number 0579–0176)

Done in Washington, DC this 14th day of August 2002.

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–20940 Filed 8–16–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–318–AD; Amendment 39–12855; AD 2002–16–16]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328–100 and –300 series airplanes, that requires inspecting the identification plate on the fire extinguisher bottle of the auxiliary power unit (APU), and replacing the existing actuating cartridge of the fire extinguisher bottle with a correct actuating cartridge, if necessary. This AD also requires removing the fire extinguisher bottle equipped with the actuating cartridge from the APU, and reinstalling the fire extinguisher bottle equipped with the correct actuating cartridge into the APU. The actions specified by this AD are intended to prevent failure of the actuating cartridge on the APU fire extinguisher, which could result in the inability to extinguish an APU fire in-flight, and consequent reduced structural integrity of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective September 23, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 23, 2002.

ADDRESSES: The service information referenced in this AD may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, PO Box 1103, D–82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tom Rodriquez; Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328–100 and –300 series airplanes was published in the **Federal Register** on April 18, 2002 (67 FR 19132). That action proposed to require inspecting the identification plate on the fire extinguisher bottle in the auxiliary power unit (APU) to verify if the correct actuating cartridge has been installed, and replacing the existing actuating cartridge of the fire extinguisher bottle with the correct actuating cartridge, if necessary. That action also proposed to require removing the fire extinguisher bottle equipped with the actuating cartridge from the APU, and reinstalling the fire extinguisher bottle equipped with the correct actuating cartridge into the APU.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal.

Explanation of Change to Final Rule

Since the language in Note 3 of the proposed AD is regulatory in nature, that note has been redesignated as paragraph (b) of this final rule. Additionally, the new paragraph clarifies that the referenced service

bulletin affects Model 328–300 series airplanes.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 88 Model 328–100 and –300 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $5,280, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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.

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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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, Incorporation by reference, 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 the following new airworthiness directive:

2002–16–16 Dornier Luftfahrt GmbH: Amendment 39–12855. Docket 2001–NM–318–AD.

Applicability: Model 328–100 series airplanes, as listed in Dornier Service Bulletin SB–328–26–342, dated November 2, 2000; and Model 328–300 series airplanes, as listed in Dornier Service Bulletin SB–328J–26–049, Revision 1, dated June 11, 2001; 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 (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 actuating cartridge on the auxiliary power unit (APU) fire extinguisher, which could result in the inability to extinguish an APU fire in-flight, and consequent reduced structural integrity of the airplane, accomplish the following:

Removal, Inspection, Corrective Actions, and Reinstallation

(a) Within 45 days after the effective date of this AD, do the actions specified in paragraphs (a)(1), (a)(2), and (a)(3) of this AD, per Dornier Service Bulletin SB–328–26–342, dated November 2, 2000 (for Model 328–100 series airplanes); or Dornier Service Bulletin SB–328J–26–049, Revision 1, dated June 11, 2001 (for Model 328–300 series airplanes); as applicable.

(1) Remove the fire extinguisher bottle equipped with the actuating cartridge from the APU.

(2) Inspect the identification plate on the fire extinguisher bottle to verify if the correct actuating cartridge (part number (P/N) 30903964) has been installed. If the correct actuating cartridge has not been installed, before further flight, replace the existing actuating cartridge with a correct actuating cartridge, P/N 30903964, and vibra etch the identification plate to indicate the new P/N, per the service bulletin.

(3) Reinstall the fire extinguisher bottle equipped with the correct actuating cartridge into the APU.

Note 2: Dornier Service Bulletin SB–328–26–342, dated November 2, 2000; and Dornier Service Bulletin SB–328J–26–049, Revision 1, dated June 11, 2001; both reference Pacific Scientific Service Bulletin 33100016–26–1, dated November 15, 2000, as an additional source of service information for accomplishing the inspection and replacement.

(b) Accomplishment of the actions specified in Dornier Service Bulletin SB–328J–26–049, dated November 2, 2000 (for Model 328–300 series airplanes), is acceptable for compliance with the actions required by paragraph (a) of 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, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) 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

(e) Unless otherwise specified in this AD, the actions shall be done per Dornier Service Bulletin SB–328–26–342, dated November 2, 2000; or Dornier Service Bulletin SB–328J–26–049, Revision 1, dated June 11, 2001; as applicable. 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 FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, PO Box 1103, D–82230 Wessling, Germany. 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.

Note 4: The subject of this AD is addressed in German airworthiness directives 2001–291 and 2001–292, both dated October 18, 2001.

Effective Date

(f) This amendment becomes effective on Sepetmber 23, 2002.

Issued in Renton, Washington, on August 9, 2002.

Vi Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–20707 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–348–AD; Amendment 39–12863; AD 2002–16–24]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R (Collectively Called A300–600) Series Airplanes; and Model A310 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A300–600 and A310 series airplanes, that requires replacement of certain symbol generator units (SGUs) in the electronic flight instrument system with new, improved SGUs, and modification of associated equipment and wiring. This action is necessary to ensure that the flightcrew has adequate flight information by preventing temporary loss of data from the primary flight and navigation displays. Inadequate flight information could result in reduced situational awareness for the flightcrew, which could contribute to loss of control or impact with obstacles or terrain. This action is intended to address the identified unsafe condition.

DATES: Effective September 23, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 23, 2002.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tom Groves, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1503; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A300–600 and A310 series airplanes was published in the **Federal Register** on April 3, 2002 (67 FR 15762). That action proposed to require replacement of certain symbol generator units (SGUs) in the electronic flight instrument system with new, improved SGUs, and modification of associated equipment and wiring.

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.

Request To Revise Cost Estimate

The Air Transport Association (ATA) of America, on behalf of its members, generally supports the intent of the proposed AD. However, one commenter has suggested revising the cost estimate specified in the proposed AD. These comments and FAA responses are as follows:

• The commenter states that, although the proposed AD specifies a labor rate of $60 per hour, the commenter's labor rate is $98 per hour.

We point out that our estimate of $60 per work hour is the current burdened labor rate established for use by the Office of Aviation Policy, Plans, and Management Analysis. (The burdened labor rate includes the actual labor cost, overhead, administrative expenses, etc.) Because the labor rate used in our calculations accounts for the variations in costs among those in the airline industry, we consider that $60 per work hour is appropriate. No change to the final rule is necessary in this regard.

• The commenter considers that 7 instead of the 4 work hours cited in the proposed AD is needed to accomplish the actions specified in Airbus Service Bulletin A300–34–6132, dated May 17, 2001 (which is referenced in the proposed AD as an appropriate source of service information). The commenter also considers that the cost estimate in the proposed AD of $710 per airplane for labor and parts is significantly underestimated. The commenter also states that Airbus Service Bulletin A300–34–6132 references Thompson-CSF Sextant (also referred to as Thales) Service Bulletin 961266–34–038, which specifies 8 work hours for shop labor per each SGU, or $2,352 per airplane; and shop materials at $2,126 per each SGU, or $6,380 for three SGUs per airplane.

We partially concur with these comments. First, we point out that our estimate of 4 work hours, as specified in the proposed AD, is based on the estimate specified in Airbus Service Bulletin A300–34–6132. However, we agree that it is necessary to include additional costs for the bench modification. Those costs are included in the Thompson-CSF Sextant service bulletin, which specifies 1 work hour per SGU to perform the bench modification, for a total of 3 work hours for each airplane. We do not agree with the commenter's estimate of 8 work hours per SGU for the bench modification because no substantiation was provided for such a figure. The cost analysis in AD rulemaking actions typically does not include incidental costs, such as the time required to gain access and close up; planning time; or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate.

Second, we agree that the cost estimate of $710 per airplane should be increased, based on additional costs for the bench modification. Although we inadvertently failed to include the costs for the bench modification in the proposed AD, that action was part of the modification action required by the proposed AD. We note that the Thompson-CSF Sextant service bulletin is referenced in Airbus Service Bulletins A310–34–2157 (which is referenced in the proposed AD as an appropriate source of service information) and A300–34–6132 as an additional source of service information.

Based on this information, we have revised the cost estimate in the final rule to specify 7 instead of 4 work hours and to include an additional $6,810 for shop materials. In addition, we have added a new Note 2 to the final rule to specify the Thompson-CSF Sextant service bulletin as an additional source of service information, and have renumbered the succeeding notes accordingly.