

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 FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

**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:

**2001 26-54 Eurocopter France:**

Amendment 39-12627. Docket No. 2001-SW-71-AD.

**Applicability:** Model EC 155B helicopters with a Smart Multifunction Display (SMD45H) as the primary flight display (PFD) or navigation display (ND), 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 (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 the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required before further Instrument Flight Rule (IFR) flight, unless accomplished previously.

To prevent erroneous flight or navigation display information, produced by a faulty SMD45H, and subsequent loss of control of the helicopter, accomplish the following:

(a) Insert a copy of this AD into the Limitations Section of the Rotorcraft Flight Manual (RFM) to prohibit IFR flight until the old part-numbered SMD45Hs listed in Table 1 of this AD are replaced.

(b) Replace each old part-numbered SMD45H with the corresponding new part-numbered SMD45H as specified in Table 1 of this AD:

**TABLE 1—RETROFIT KIT EC135-31A-002-2.C SMD45H**

Old part number	New part number
(1) C19209VF11 .....	C19209VG11
(2) C19267VF11 .....	C19267VG11
(3) C19267EF10 .....	C19267EG10

(c) After replacing the old part-numbered SMD45Hs in accordance with paragraph (b) of this AD, remove this AD from the RFM.

(d) Replacing each specified SMD45H and removing this AD from the RFM are terminating actions for the requirements of this AD.

(e) 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.

(f) Special flight permits will not be issued.

(g) This amendment becomes effective on February 19, 2002, to all persons except those persons to whom it was made immediately effective by Emergency AD 2001-26-54, issued December 21, 2001, which contained the requirements of this amendment.

**Note 3:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD No. 2001-439-002(A)R1, October 31, 2001.

Issued in Fort Worth, Texas, on January 17, 2002.

**David A. Downey,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 02-2425 Filed 1-31-02; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Airspace Docket No. 01-AWP-26]

**Establishment of Class E Airspace; Kayenta, AZ**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes a Class E airspace at Kayenta, AZ. The establishment of a Special Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) RNAV (GPS) Runway (RWY) 02 SIAP, RNAV (GPS) RWY 20 SIAP, and the existence of a Special Non-Directional Radio Beacon (NDB) SIAP at Bedard Field, Kayenta AZ has made action necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the RNAV (GPS) RWY 02 SIAP, RNAV (GPS) RWY 20 SIAP and NDB SIAP to Bedard Field. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules operations at Bedard Field, Kayenta, AZ.

**EFFECTIVE DATE:** 0901 UTC February 21, 2002.

**FOR FURTHER INFORMATION CONTACT:** Jeri Carson, Airspace Specialist, Airspace Branch, AWP-520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6611.

**SUPPLEMENTARY INFORMATION:**

**History**

On November 7, 2001, the FAA proposed to amend 14 CFR part 71 by establishing a Class E airspace area at Kayenta, AZ (66 FR 56258). Additional controlled airspace extending upward from 700 feet or more above the surface is needed to contain aircraft executing the RNAV (GPS) RWY 02 SIAP, RNAV (GPS) RWY 20 SIAP, and a NDB SIAP at Bedard Field, Kayenta, AZ. This action will provide adequate controlled airspace for aircraft executing the RNAV (GPS) RWY 02 SIAP, RNAV (GPS) RWY 20 SIAP, and a NDB SIAP to Bedard Field, Kayenta, AZ.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were

received. Class E airspace designations for airspace extending from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9J dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

### The Rule

This amendment to 14 CFR part 71 establishes a Class E airspace area at Kayenta, CA. The establishment of a Special RNAV (GPS) RWY 02, RNAV (GPS) RWY 20 SIAP has made this action necessary. The effect of this action will provide adequate airspace for aircraft executing the RNAV (GPS) RWY 02, RNAV (GPS) RWY 20, and NDB SIAP at Bedard Field, Kayenta, AZ.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9J, Airspace

Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### AWP AZ E5 Kayenta, AZ [NEW]

Bedard Field, AZ

(Lat. 36°28'18"N, long. 110°25'05"W)

That airspace extending upward from 700 feet above the surface within a 6.6 mile radius of the Bedard Field, and that airspace within 2.0 miles each side of the 219° bearing from the airport extending from the 6.6 mile radius to 10 miles southwest of Bedard Field, and that airspace within 1.0 mile each side of the 034° bearing from the airport extending from the 6.6 mile radius to 11 miles northeast of Bedard Field.

\* \* \* \* \*

Issued in Los Angeles, California, on January 8, 2002.

**John Clancy,**

*Manager Air Traffic Division, Western-Pacific Region.*

[FR Doc. 02–2539 Filed 1–31–02; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 14 CFR Part 330

[Docket OST–2001–10885]

RIN 2105–AD06

### Procedures for Compensation of Air Carriers

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule; amendment.

**SUMMARY:** On September 22, 2001, President Bush signed into law the Air Transportation Safety and System Stabilization Act (“the Act”). The Act makes available to the President funds to compensate air carriers, as defined in the Act, for direct losses suffered as a result of any Federal ground stop order and incremental losses beginning September 11, 2001, and ending December 31, 2001, resulting from the September 11 terrorist attacks on the United States. In order to fulfill Congress’ intent to expeditiously provide compensation to eligible air carriers, the Department used procedures set out in Program Guidance Letters to make initial estimated payments amounting to about 50 percent of the authorized funds. On October 29, 2001, the Department published a final rule and request for

comments establishing application procedures for air carriers interested in requesting compensation under this statute. On January 2, 2002, the Department published amendments to the final rule responding to comments and establishing a deadline for submitting applications by indirect air carriers and wet lessors. This document further amends the final rule to allow additional time for indirect air carriers and wet lessors to submit applications for compensation.

**DATES:** This rule is effective February 1, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Steven Hatley, U.S. Department of Transportation, Office of International Aviation, 400 7th Street, SW., Room 6402, Washington, DC 20590. Telephone 202–366–1213.

**SUPPLEMENTARY INFORMATION:** As a consequence of the terrorist attacks on the United States on September 11, 2001, the U.S. commercial aviation industry suffered severe financial losses. These losses placed the financial survival of many air carriers at risk. Acting rapidly to preserve the continued viability of the U.S. air transportation system, President Bush sought and Congress enacted the Air Transportation Safety and System Stabilization Act (“the Act”), Public Law 107–42.

Under section 101(a)(2)(A–B) of the Act, a total of \$5 billion in compensation is provided for “direct losses incurred beginning on September 11, 2001, by air carriers as a result of any Federal ground stop order issued by the Secretary of Transportation or any subsequent order which continues or renews such stoppage; and the incremental losses incurred beginning September 11, 2001 and ending December 31, 2001, by air carriers as a direct result of such attacks.” The Department of Transportation previously disbursed initial estimated payments of nearly \$2.5 billion of the \$5 billion amount that Congress authorized, using procedures set forth in the Department’s Program Guidance Letters that were widely distributed and posted on the Department’s web site.

On October 29, 2001 (66 FR 54616), the Department published in the **Federal Register** a final rule and request for comments to establish procedures for air carriers who had received or wished to receive compensation under the Act. On January 2, 2002 (67 FR 250), the Department published amendments to the final rule responding to comments and establishing a deadline for submitting requests for compensation by indirect air carriers and wet lessors. Under the amended