

the inspection requirement of paragraph (a) of AD 2000-05-07, amendment 39-11616. As indicated by the phrase, "unless accomplished previously," for any airplane on which the initial inspection of AD-2000-05-07 has been accomplished before the effective date of this AD, the inspection specified by paragraph (a) of this AD is not required.

Restatement of Requirements of AD 2001-17-29

Inspection

(a) For airplanes subject to the requirements of AD 2001-17-29, amendment 39-12420: Before the accumulation of 7,500 total flight cycles, or within 100 flight cycles after September 13, 2001 (the effective date of AD 2001-17-29), whichever occurs later, perform a one-time detailed visual inspection to detect cracks in gear rib 5 (left and right) of the MLG attachment fittings at the lower flange and vertical web, in accordance with Airbus All Operators Telex (AOT) A300-57A0239 (for Model A300 B2 and B4 series airplanes) or A300-600-57A6094 (for Model A300-600 series airplanes), both dated August 2, 2001.

(1) If any cracking is detected and it is found at one hole only and does not extend out of the spotface of the hole: Prior to further flight, repair in accordance with the applicable AOT.

(2) If any cracking is detected and it is found at more than one hole or extends out of the spotface of any hole: Before further flight, repair in accordance with a method approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (or its delegated agent).

Note 3: The AOTs refer to Airbus Service Bulletins A300-57A0234 (for Model A300 B2 and B4 series airplanes) and A300-57A6087 (for Model A300-600 series airplanes) as additional sources of service information for the inspection and repair of any cracking found during the inspection.

Note 4: 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

Inspection

(b) For airplanes not identified in paragraph (a) of this AD: Before the accumulation of 7,500 total flight cycles, or within 100 flight cycles after the effective date of this AD, whichever occurs later, perform the inspection and applicable corrective actions specified 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. 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 5: 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) Except as required by paragraph (a)(2) of this AD: The actions must be done in accordance with Airbus All Operators Telex A300-57A0239, dated August 2, 2001; or Airbus All Operators Telex A300-600-57A6094, dated August 2, 2001; as applicable. This incorporation by reference was approved previously by the Director of the Federal Register as of September 13, 2001 (66 FR 45581, August 29, 2001). Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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 6: The subject of this AD is addressed in French telegraphic airworthiness directive T2001-364(B), dated August 2, 2001.

Effective Date

(f) This amendment becomes effective on October 19, 2001.

Issued in Renton, Washington, on September 27, 2001.

Charles Huber,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 01-24779 Filed 10-3-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA-2001-10738; SFAR 91]

RIN 2120-AH49

Aircraft Security Under General Operating and Flight Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action requires certain aircraft operators to search aircraft and screen passengers, crewmembers, and other persons, and their accessible property prior to departure. This action is being taken to counter possible threats in the wake of the September 11, 2001 terrorist attacks.

DATES: This action is effective October 1, 2001, and shall remain in effect until further notice. The compliance date for persons conducting operations specified in paragraph 1(a) of SFAR 91 is October 6, 2001.

FOR FURTHER INFORMATION CONTACT:

Questions on this rulemaking: Lon M. Siro, Aviation Security Specialist, ACP-100, Office of Civil Aviation Security Policy and Planning, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8058.

Questions on security procedures or waivers: Any FAA Regional Civil Aviation Security Division office. You can find a list of all Regional Civil Aviation Security Division offices and contract information at <http://cas.faa.gov/usa.html>. These offices are identified by the appropriate FAA regional designation followed by "-700."

SUPPLEMENTARY INFORMATION:

Availability of This Action

You can get an electronic copy using the Internet by taking the following steps:

(1) Go to search function of the Department of Transportation's electronic Docket Management System (DMS) Web page (<http://dms.dot.gov/search>).

(2) On the search page type in the last four digits of the Docket number shown at the beginning of this notice. Click on "search."

(3) On the next page, which contains the Docket summary information for the Docket you selected, click on the final rule.

You can also get an electronic copy using the Internet through FAA's web page at <http://www.faa.gov/avr/armhome.htm> or the **Federal Register's** web page at http://www.access.gpo.gov/su_docs/aces/aces140html.

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the amendment number or docket number of this final rule.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of

1996 requires the FAA to comply with small entity requests for information advice about compliance with statutes and regulations within the FAA's jurisdiction. Therefore, any small entity that has a question regarding this document may contact its local FAA official. Internet users can find additional information on SBREFA on the FAA's web page at <http://www.faa.gov/avr/arm/sbrefa.htm> and send electronic inquiries to the following Internet address: 9-AWA-SBREFA@faa.gov.

Background

In the wake of the September 11, 2001, terrorist attacks against four U.S. commercial aircraft resulting in the tragic loss of human life at the World Trade Center, the Pentagon, and southwest Pennsylvania, the potential for additional terrorist attacks exists. Those responsible for the attacks are believed to be affiliated with an organization possessing a near-global terrorist network. The leaders of the groups constituting this organization have publicly stated they will attack the United States for incarcerating extremist members and are vehemently opposed to U.S. foreign policy and presence in the Middle East. They retain a capability and willingness to conduct airline bombings, hijackings, and suicide attacks against U.S. targets. These tragedies resulting from the attacks also indicate that the terrorists are willing to use aircraft as weapons to inflict significant damage to persons and property in the United States.

While the FAA has issued emergency security procedures under title 14, Code of Federal Regulations (14 CFR) parts 108 and 129 to counter the threat posed by deadly and dangerous items brought into an aircraft, these actions do not address the threat to certain operations that are currently not subject to mandated security procedures. Accordingly, the FAA is requiring operators to implement security procedures: (1) By October 6, 2001 for all aircraft operations in which passengers, crewmembers, or other persons are enplaned from or deplaned into a sterile area regardless of aircraft weight (except for scheduled passenger operations and public charter passenger operations); and (2) when notified, for all aircraft operations conducted under part 91 in aircraft with a maximum certificated takeoff weight exceeding 12,500 pounds. The requirement to implement security procedures for operations conducted in aircraft with a maximum certificated takeoff weight exceeding 12,500 pounds applies regardless of whether passengers,

crewmembers, or other persons are enplaned from, or deplaned into, a sterile area.

Persons conducting operations described in 1(a) of this SFAR must implement security procedures by October 6, 2001. These operators use sterile areas that also are used by scheduled passenger and public charter passenger operations subject to security measures under 14 CFR parts 108 and 129. It is critical that stringent security be maintained in sterile areas to ensure the safety of the traveling public, and that uniform security measures be applied to all persons in this area. We note that when an operator affected by this rule enplanes passengers, crewmembers, or other persons from, or deplanes those persons into, an existing sterile area, there are screening checkpoints in place and personnel trained to conduct aircraft searches that may be under the control of other operators. These resources may be used by an operator affected by this rule. Accordingly, this SFAR permits operators to contract for such services to meet the requirements of this rule. We also note that the requirements of paragraph 1(a) of this SFAR do not apply to aircraft operations conducted in a security identification display area (SIDA) as defined in § 107.25.

Further, effective on November 14, 2001, private charter operators enplaning passengers from, and deplaning passengers into, sterile areas will be subject to security requirements set forth in a revision to part 108. See "Aircraft Operator Security: Final Rule" (66 FR 37330; July 17, 2001). This SFAR has the effect of advancing the date on which private charter operators must apply security procedures required under revised part 108 to conduct operations into or out of sterile areas. The FAA intends to provide private charter operators conducting these operations portions of the security program that will apply to them under revised part 108. The FAA will also provide portions of the security program to operators of private or corporate aircraft that enplane persons from, or deplane persons into, sterile areas. Affected operators may obtain those portions of the security program that contain the approved procedures by contacting an office specified in **FOR FURTHER INFORMATION CONTACT**.

The security program is sensitive security information under part 191 and those portions provided to private charter operators or other persons to meet the requirements of paragraph 1(a) of this SFAR must be protected from unauthorized disclosure. Sensitive security information in the possession

of other than those with a need to know may be detrimental to the safety of the traveling public. Accordingly, paragraph 2(b) of this SFAR provides that the operator must restrict the distribution, disclosure, and availability of information contained in the security procedures approved to comply with paragraph 1(a) of this SFAR to persons with a need to know as described in part 191.

Paragraph 1(b) of this SFAR establishes a process that can be used by the Administrator to rapidly address various types of threats. Security procedures approved to meet paragraph 1(b) of this SFAR will be tailored to meet various threats and could apply to any or all of the operations subject to the rule. Persons conducting operations described in 1(b) of this SFAR are not required to implement security procedures to meet this rule unless notified by the Administrator. The FAA will notify operators by NOTAM when they must apply these security procedures and will make the procedures available to affected operators. We expect threat conditions may change rapidly, and therefore may require the implementation of different security procedures at certain times for certain operations. The Administrator will require operators to implement these procedures only when it is determined that threat conditions warrant.

All security procedures used to meet the requirements of this SFAR must be approved by the Administrator. Similar to the procedures specified in paragraph 2(a) of this SFAR, the procedures specified in paragraph 2(b) may require that affected aircraft be searched. They may also require that passengers, crewmembers, and other persons and their accessible property (carry-on items) be screened prior to boarding. Screening may include inspection for explosives, incendiaries, and deadly or dangerous weapons, and other measures verifying the identities of passengers, crewmembers, and other persons.

Paragraph 4 of this SFAR specifies that the FAA may issue a waiver if it finds that the operation can be conducted safely under the terms of the waiver. We note, for instance, that many of the aircraft operations subject to this SFAR are conducted by corporations that may have strong corporate security practices. The FAA may consider whether these or other practices warrant the grant of a waiver.

Justification for Immediate Adoption

Because the circumstances described herein warrant immediate action, the Administrator finds that notice and

public comment under 5 U.S.C. 553(b) are impracticable and contrary to the public interest. Further, the Administrator finds that good cause exists under 5 U.S.C. 553(d) for making this rule effective immediately upon date of filing for public inspection at the Office of the Federal Register. This action is necessary to prevent a possible imminent hazard to aircraft and persons and property within the United States.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA determined that there are no ICAO Standards and Recommended Practices that correspond to this SFAR.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has determined that there are no new requirements for information collection associated with this SFAR.

Regulatory Analyses

This rulemaking action is taken under an emergency situation within the meaning of section 6(a)(3)(D) of Executive Order 12866, Regulatory Planning and Review. It also is considered an emergency regulation under Paragraph 11g of the Department of Transportation (DOT) Regulatory Policies and Procedures. In addition, it is a significant rule within the meaning of the Executive Order and DOT's policies and procedures. No regulatory analysis or evaluation accompanies this rule. The FAA is not able to assess whether this rule will have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act of 1980, as amended. The FAA recognizes that this rule may impose significant costs on some operators, including delaying their operations until they are able to carry out the security procedures. The current security threat requires, however, that operators take all necessary measures to ensure the safety and security of their operations.

Executive Order 13132, Federalism

The FAA has analyzed this SFAR under the principles and criteria of Executive Order 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, or the relationship between the national Government and the States, or

on the distribution of power and responsibilities among the various levels of government. Therefore, we have determined that this final rule does not have federalism implications.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104-4 on March 22, 1995 is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a \$100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a "significant regulatory action."

This SFAR does not contain such a mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j) this rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of this SFAR has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) Pub. L. 94-163, as amended (42 U.S.C. 6362) and FAA Order 1053.1. It has been determined that this SFAR is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety.

The Amendment

For the reasons stated in the preamble, the Federal Aviation Administration amends 14 CFR part 91 as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 40101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506-46507, 47122, 47508, 47528-47531, articles 12 and

29 of the Convention on International Civil Aviation (61 stat. 1180).

2. Add Special Federal Aviation Regulation (SFAR) No. 91 to read as follows:

SFAR NO. 91—AIRCRAFT SECURITY UNDER GENERAL OPERATING AND FLIGHT RULES

1. *Applicability.* This SFAR applies to:

(a) All aircraft operations in which passengers, crewmembers, or other persons are enplaned from or deplaned into a sterile area, except for scheduled passenger operations and public charter passenger operations. For purposes of this SFAR, "sterile area," "scheduled passenger operations," and "public charter" are defined in § 108.3 of this chapter.

(b) Each aircraft operation conducted in an aircraft with a maximum certificated takeoff weight of more than 12,500 pounds except for those operations specified in paragraph 1(a) of this SFAR and those operations conducted under a security program under part 108 or 129 of this chapter.

2. *Procedures.*

(a) Any person conducting an operation identified in paragraph 1 of this SFAR must conduct a search of the aircraft prior to departure and screen passengers, crewmembers, and other persons and their accessible property (carry-on items) prior to boarding in accordance with security procedures approved by the Administrator.

(b) The security procedures approved by the Administrator for operations specified in paragraph 1(a) of this SFAR are sensitive security information. The operator must restrict the distribution, disclosure, and availability of information contained in the security procedures to persons with a need to know as described in part 191 of this chapter.

3. *Compliance Date.* Persons conducting operations identified in paragraph 1(a) of this SFAR must implement security procedures on October 6, 2001. Persons identified in paragraph 1(b) of this SFAR must implement security procedures when notified by the Administrator. The FAA will notify operators identified in 1(b) of this SFAR by NOTAM when they must implement security procedures.

4. *Waivers.* The Administrator may permit a person conducting an operation identified in paragraph 1 of this SFAR to deviate from the provisions of this SFAR if the Administrator finds that the operation can be conducted safely under the terms of the waiver.

5. *Delegation.* The authority of the Administrator under this SFAR is also exercised by the Associate Administrator for Civil Aviation Security and the Deputy Associate Administrator for Civil Aviation Security.

6. *Expiration.* This Special Federal Aviation Regulation shall remain in effect until further notice.

Issued in Washington, DC on October 1, 2001.

Jane F. Garvey,
Administrator.

[FR Doc. 01-24918 Filed 10-1-01; 3:09 pm]

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10 and 163

[T.D. 01-74]

RIN 1515-AC89

Preferential Treatment of Brassieres Under the United States-Caribbean Basin Trade Partnership Act

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Interim regulations; solicitation of comments.

SUMMARY: This document sets forth interim amendments to the Customs Regulations to implement those provisions within the United States-Caribbean Basin Trade Partnership Act (the CBTPA) that establish standards for preferential treatment for brassieres imported from CBTPA beneficiary countries. The regulatory amendments contained in this document involve specifically the methods, procedures and related standards that will apply for purposes of determining compliance with the 75 percent aggregate U.S. fabric components content requirement under the CBTPA brassieres provision.

DATES: Interim rule effective October 4, 2001. Comments must be received on or before December 3, 2001.

ADDRESSES: Written comments may be addressed to, and inspected at, the Regulations Branch, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Legal issues: Cynthia Reese, Office of Regulations and Rulings (202-927-1361).

Other issues: Dick Crichton, Office of Field Operations (202-927-0162).

SUPPLEMENTARY INFORMATION:

Background

United States-Caribbean Basin Trade Partnership Act

On May 18, 2000, President Clinton signed into law the Trade and Development Act of 2000 (the "Act"), Public Law 106-200, 114 Stat. 251. Title II of the Act concerns trade benefits for the Caribbean Basin and is referred to in the Act as the "United States-Caribbean

Basin Trade Partnership Act" (the "CBTPA"). Within Subtitle B of Title II of the Act, section 211 sets forth temporary provisions for the purpose of providing additional trade benefits to Caribbean Basin countries designated by the President as CBTPA beneficiary countries.

Subsection (a) of section 211 of the Act revised section 213(b) of the Caribbean Basin Economic Recovery Act (the CBERA, also referred to as the Caribbean Basin Initiative, or CBI, statute codified at 19 U.S.C. 2701-2707). The CBI is a duty preference program that applies to exports from those Caribbean Basin countries that have been designated by the President as program beneficiaries. Section 213(b) as amended by section 211(a) of the Act consists of five principal paragraphs. Paragraph (1) of amended section 213(b) lists six categories of goods which are excluded from standard duty-free treatment under the CBI (one of these categories consists of textile and apparel articles which were not eligible articles for purposes of the CBI on January 1, 1994, as the CBI was in effect on that date). Paragraph (2) of amended section 213(b) provides, during the "transition period," for the application of preferential treatment (that is, entry in the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels) to specific textile and apparel articles; thus, paragraph (2) operates in part as an exception to the exclusion rule for textile and apparel articles under paragraph (1). Paragraph (3) of amended section 213(b) applies to the goods excluded from CBI duty-free treatment under paragraph (1) other than textile and apparel articles and in effect provides for the application of NAFTA tariff treatment to those goods during the "transition period." Paragraph (4) of amended section 213(b) sets forth regulatory and related standards for purposes of preferential treatment under paragraph (2) or (3) and, among other things, requires the use of Certificate of Origin procedures modeled on the NAFTA. Paragraph (5) of amended section 213(b) sets forth definitions and special rules and, among other things, defines "transition period" for purposes of section 213(b) as meaning, with respect to a CBTPA beneficiary country, the period that begins on October 1, 2000, and ends on the earlier of September 30, 2008, or the date on which a free trade agreement enters into force with respect to the United States and the CBTPA beneficiary country and defines "CBTPA beneficiary country" for purposes of section 213(b) as

meaning any "beneficiary country" as defined in section 212(a)(1)(A) of the CBI statute (19 U.S.C. 2702(a)(1)(A)) which the President designates as a CBTPA beneficiary country.

One of the specific textile and apparel article categories to which preferential treatment may apply during the transition period under paragraph (2) of amended section 213(b) consists of brassieres described in paragraph (2)(A)(iv) as follows:

(iv) CERTAIN OTHER APPAREL ARTICLES.—(I) Subject to subclause (II), any apparel article classifiable under subheading 6212.10 of the HTS, if the article is both cut and sewn or otherwise assembled in the United States, or one or more of the CBTPA beneficiary countries, or both.

(II) During the 1-year period beginning on October 1, 2001, and during each of the six succeeding 1-year periods, apparel articles described in subclause (I) of a producer or an entity controlling production shall be eligible for preferential treatment under subparagraph (B) only if the aggregate cost of fabric components formed in the United States that are used in the production of all such articles of that producer or entity during the preceding 1-year period is at least 75 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

(III) The United States Customs Service shall develop and implement methods and procedures to ensure ongoing compliance with the requirement set forth in subclause (II). If the Customs Service finds that a producer or an entity controlling production has not satisfied such requirement in a 1-year period, then apparel articles described in subclause (I) of that producer or entity shall be ineligible for preferential treatment under subparagraph (B) during any succeeding 1-year period until the aggregate cost of fabric components formed in the United States used in the production of such articles of that producer or entity in the preceding 1-year period is at least 85 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

Thus, the preferential treatment available to brassieres under the CBTPA amendments represents a departure from historical practice under the CBI which (1) excluded most textile and apparel articles, including brassieres, from CBI duty-free treatment and (2) had no provision regarding exemption from quantitative restrictions, limitations or consultation levels. Although brassieres may receive preferential treatment under the CBTPA during the first year of the "transition period" (that is, through September 30, 2001) without regard to any U.S. fabric component content requirement, for each year after that first year the 75 percent U.S. fabric component content