

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 93

[Docket No. 95-054-4]

#### Importation of Horses From CEM-Affected Regions

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Technical amendment.

**SUMMARY:** We are making a technical amendment to the regulations regarding the importation of horses to restore the State of Florida to the list of States approved to receive mares over 731 days of age from regions affected with contagious equine metritis. The entry for the State of Florida was inadvertently removed from that list in an earlier final rule.

**EFFECTIVE DATE:** December 27, 2000.

**FOR FURTHER INFORMATION CONTACT:** Susan Gallagher, Regulatory Coordination Specialist, Regulatory Analysis and Development, Policy and Program Development, APHIS, USDA, 4700 River Road Unit 118, Riverdale, MD 20737-1238; (301) 734-8682.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 9 CFR part 93 (referred to below as the regulations) prohibit or restrict the importation of certain animals into the United States to prevent the introduction of communicable diseases of livestock and poultry. Subpart C—Horses, §§ 93.300 through 93.326 of the regulations, pertains to the importation of horses into the United States.

**Note:** At the time the final rule referred to in this document was published, the regulations described in the previous paragraph were located in 9 CFR part 92. However, on October 28, 1997, we published

in the **Federal Register** (62 FR 56000-56026, Docket No. 94-106-9) a final rule that redesignated part 92 as part 93. In describing the actions taken in that final rule, we will cross-reference the former part 92 citations with their current locations in part 93.

In a final rule published in the **Federal Register** on October 7, 1996 (61 FR 52236-52246, Docket No. 95-054-2), and effective November 6, 1996, we amended the regulations regarding the importation of horses from regions affected with contagious equine metritis (CEM) by incorporating new testing and treatment protocols, providing for the use of accredited veterinarians to monitor horses temporarily imported into the United States for competition purposes, and removing the requirements for endometrial cultures and clitoral sinusectomies in mares. As part of that final rule, we moved the lists of States that have been approved to receive mares and stallions over 731 days of age from CEM-affected regions from § 92.304 to § 93.301 (current § 93.301). When we moved those lists, we inadvertently removed the State of Florida from the list in § 92.301(h)(7) (current § 93.301(h)(7)) of States approved to receive mares over 731 days of age from CEM-affected regions.

It was never our intention to remove Florida from that list, and no such change to the list was discussed in the final rule or in the proposed rule that preceded it (61 FR 28073-28085, Docket No. 95-054-1, published June 4, 1996). We are, therefore, amending § 93.301(h)(7) to restore the State of Florida to the list of States approved to receive mares over 731 days of age from CEM-affected regions.

#### List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 93 as follows:

#### **PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS**

1. The authority citation for part 93 continues to read as follows:

**Authority:** 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

#### **§ 93.301 [Amended]**

2. In § 93.301, paragraph (h)(7), the list of States is amended by adding, in alphabetical order, the words “The State of Florida”.

Done in Washington, DC, this 19th day of December 2000.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 00-32895 Filed 12-26-00; 8:45 am]

**BILLING CODE 3410-34-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 23

[Docket No. CE163; Special Conditions No. 23-105-SC]

#### **Special Conditions: Sino Swearingen, Model SJ30-2; Side-Facing Seat.**

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

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the Sino Swearingen, Model SJ30-2 airplane. This airplane will have a novel or unusual design feature(s) associated with side-facing seats. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**EFFECTIVE DATE:** January 26, 2001.

**FOR FURTHER INFORMATION CONTACT:** Les Taylor, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE-111, 901 Locust, Room 301, Kansas City, Missouri, 816-329-4134, fax 816-329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 9, 1995, Sino Swearingen Aircraft Company, 1770 Sky Place Boulevard, San Antonio, Texas 78216,

applied for normal category type certificate for their new Model SJ30-2. The Model SJ30-2 airplane is a six-to-eight place, all metal, low-wing, T-tail twin turboprop engine powered airplane with fully enclosed retractable landing gear. The SJ30-2 will have a VMO/MMO of 320 knots/M=.83, and will have engines mounted aft on the fuselage.

The Model SJ30-2 airplane will contain one side-facing seat. Side facing seats are considered a novel design and were not considered when those airworthiness standards were promulgated. The FAA has determined that the existing regulations do not provide adequate or appropriate safety standards for occupants of side-facing single occupant seats. In order to provide a level of safety that is equivalent to that afforded to occupants of forward and aft facing seats, additional airworthiness standards, in the form of additional special conditions, are necessary.

#### **Type Certification Basis**

Under the provisions of 14 CFR § 21.17, Sino Swearingen Aircraft Company must show that the Model SJ30-2 meets the applicable provisions of 14 CFR part 23 as amended by Amendments 23-1 through 23-53, and selected portions of 14 CFR part 25 as provided for by 14 CFR part 21, §§ 21.16 and 21.17(a)(2); exemptions, if any; equivalent level of safety findings, if any; and the special conditions adopted by this rulemaking action.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 23) do not contain adequate or appropriate safety standards for the Sino Swearingen Model SJ30-2 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Model SJ30-2 must comply with the part 23 fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy pursuant to Section 611 of Public Law 92-574, the "Noise Control Act of 1972."

Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), and become part of the type certification basis in accordance with § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to

include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

#### **Novel or Unusual Design Features**

The Model SJ30-2 will incorporate the following novel or unusual design features: A side-facing seat occupiable for taxi, takeoff and landing.

#### **Discussion of Comments**

Notice of proposed special conditions No. 23-00-04-SC for the Sino Swearingen, Model SJ30-2, airplanes was published on September 20, 2000 (65 FR 56809). No comments were received, and the special conditions are adopted as proposed.

#### **Applicability**

As discussed above, these special conditions are applicable to the Sino Swearingen, Model SJ30-2. Should Sino Swearingen apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

#### **Conclusion**

The special conditions in the FAA position are acceptable. The conditions requested by the applicant are as follows:

1. The EuroSID-1 ATD as defined in the Applicant's Position is considered an acceptable equivalent for the purposes of the test defined in these special conditions.

2. The applicant's position which is consistent with Advisory Circular 23.562-1, page 4, shows a table in which "crew" seats are shown to meet the 19/26G pulses and passenger seats are shown to meet the 15/21 G pulses.

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

#### **List of Subjects in 14 CFR Part 23**

Aircraft, Aviation safety, Signs and symbols.

#### **Citation**

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.17; and 14 CFR 11.28 and 11.49.

#### **The Special Conditions**

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Sino Swearingen Aircraft Company Model SJ30-2 airplane applicable to side-facing seats occupiable during taxi, takeoff, and landing.

#### **1. Injury Criteria**

(a) *Existing Criteria:* All injury protection criteria of § 23.562(c)(1) through (c)(7) and § 23.785 apply to the occupant of a side facing seat. Head Injury Criteria (HIC) assessments are only required for head contact with either the seat or adjacent structures or both.

(b) *Body-to-wall/furnishing contact:* The seat must be installed aft of a structure such as an interior wall or furnishing that will support the pelvis, upper arm, chest, and head of an occupant seated next to the structure. Horizontal tests of the seat must include representative structures for the forward wall. The wall must include attachments that represent the geometry, strength, and stiffness of the airplane installation. If there are structures forward of the wall that will affect the deformation of the wall, these structures must be addressed in the test procedure. The contact surface of this structure must be covered with at least two inches of energy absorbing protective foam, such as ensolite.

(c) *Thoracic Trauma:* Testing with a Side Impact Dummy (SID), as defined by 49 CFR part 572, Subpart F, or its equivalent, must be conducted and Thoracic Trauma Index (TTI) injury criteria acquired with the SID must be less than 85, as defined in 49 CFR part 572, Subpart F. SID TTI data must be processed as defined in Federal Motor Vehicle Safety Standard (FMVSS) Section 571.214, S 6.13.5. Rational analysis, comparing an installation with another installation where TTI data were acquired and found acceptable, may also be viable. The use of the EuroSID-1 as defined by the Official Journal of European Communities, L169 Volume 39, dated July 8, 1996, Directive 96/27/EC and amending Directive 70/156/EEC is considered acceptable for the collection of this data.

(d) *Pelvis:* Pelvic lateral acceleration must not exceed 130g. Pelvic acceleration data must be processed as defined in FMVSS Section 571.214, S 6.13.5.

## 2. General Test Guidelines

(a) One test with the SID Anthropomorphic Test Dummy (ATD) or the EuroSID-1, as defined above, undeformed floor, no yaw, and with all lateral structural supports (armrest/walls).

Pass/fail injury assessments: TTI; and pelvic acceleration.

(b) One test with the Hybrid II ATD, or equivalent, deformed floor, with 10 degrees yaw, and with all lateral structural supports (armrest/walls).

Pass/fail injury assessments: HIC; and upper torso restraint system retention and pelvic acceleration.

(c) Vertical test to be conducted with modified Hybrid II ATD's with existing pass/fail criteria.

(d) G-loads used in 2(a), 2(b) and 2(c) are those defined in 14 CFR part 23, § 23.562(b), for first row (crew) and other rows (passenger) seats.

Issued in Kansas City, Missouri on December 11, 2000.

**Michael Gallagher,**

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

[FR Doc. 00-32882 Filed 12-26-00; 8:45 am]

**BILLING CODE 4910-13-M**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 33

[Docket No. NE-123; Special Conditions No. 33-004-SC]

#### Special Conditions: Pratt & Whitney Canada, Inc. (Formerly United Aircraft of Canada, Limited), Model PT6T-9 Turboshaft Engine

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

**ACTION:** Final special conditions, request for comments.

**SUMMARY:** Pratt & Whitney Canada, Inc. (PWC) has applied for an amendment to type certificate (TC) #E22EA, to add a new model PT6T-9 turboshaft engine. The FAA has determined that this new model engine should be viewed as a derivative to the PT6T-3 engine. On June 8, 1970, the FAA issued Special Conditions (SC) No. 33-23-EA-6 for the PT6T-3 turboshaft engine model, and later amended those SC in 1970 to clarify a potential ambiguity in the vibration test requirements. In addition to the requirements contained in SC No. 33-23-EA-6, as amended, these new special conditions provide for 30-second one-engine-inoperative (OEI), 2-minute OEI, and continuous OEI ratings

to be included in the PT6T-9 turboshaft engine model power ratings. The special conditions will define the changes to the engine certification basis that are required to establish a level of safety equivalent to the current requirements of 14 CFR part 33, for the new PWC PT6T-9 turboshaft engine model.

**DATES:** The effective date of these special conditions is December 27, 2000. Comments must be received on or before January 26, 2001.

**ADDRESSES:** Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration (FAA), Office of the Regional Counsel, Attention: Docket No. NE-123; 12 New England Executive Park, Burlington, MA 01803-5299, or delivered in duplicate to the Office of Regional Counsel at the above address. Comments must be marked: Docket No. NE-123. Comments may be inspected at this location on weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Mr. Chung Hsieh, Aerospace Engineer, Engine and Propeller Standards Staff, ANE-110, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803-5299; telephone 781-238-7115, Fax 781-238-7199. If you have access to the Internet, you may also obtain further information by writing to the following Internet address: "[chung.hsieh@faa.gov](mailto:chung.hsieh@faa.gov)".

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments, as they may desire. Communications should identify the docket number and special conditions number, and be submitted in duplicate to the address specified above, or, if you have access to the internet, you may make a submission to the following Internet address:

"[chung.hsieh@faa.gov](mailto:chung.hsieh@faa.gov)". All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed depending on the comments received. All comments received will be available in the docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to

acknowledge receipt of their comments submitted in response to this request must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NE-123." The postcard will be date stamped and returned to the commenter.

#### **Background**

On March 28, 2000, Pratt & Whitney Canada, Inc. applied for an amendment to type certificate (TC) E22EA for a new derivative engine, the PT6T-9 turboshaft engine model. The PT6T-9 turboshaft engine configuration is similar to the PT6T-3 series turboshaft engine models. These engines have two identical free-turbine power-sections coupled to a common mixing gearbox module with a single output shaft. The common mixing gearbox module reduces the turbine speed of the power-sections to a single output speed through a pair of overrunning clutches and reduction gearing. In addition, the common mixing gearbox contains a torquemeter for each power-section and a unique and unusual oil system configuration. The oil for engine components requiring continuous lubrication is provided by two independent lubrication systems, one for each of the power-sections, to ensure operation with any one power-section inoperative. The FAA issued Special Conditions (SC) for the PT6T-3 turboshaft engine, SC No. 33-23-EA-6 issued on June 8, 1970, and amended those SC on July 16, 1970 to clarify the vibration test requirements of engine furnished components for the aircraft rotor drive system. The PT6T-9 turboshaft engine model will have 30-second, 2-minute, and continuous one-engine inoperative (OEI) ratings. These OEI ratings will apply to a one power-section inoperative condition. The Special Conditions issued for the PT6T-3 turboshaft engine addressed, among other items, the 30-minute OEI power rating, but not the 30-second, 2-minute, and continuous OEI ratings. The 30-second, and 2-minute OEI power ratings were added to the airworthiness certification standards for aircraft engines, 14 CFR part 33, in 1996. Those new ratings were added to part 33 to enhance rotorcraft safety after an engine failure or precautionary engine shutdown by providing the availability of higher OEI power. The continuous OEI rating has been part of part 33 since 1988 and for the PT6T-9 engine will allow for the continuous operation of the remaining operative power-section at a higher power setting in the event one power-section fails.