

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 copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting 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 a new airworthiness directive (AD) to read as follows:

99-04-21 British Aerospace: Amendment 39-11046; Docket No. 98-CE-76-AD.

Applicability: The following aircraft, certificated in any category:

—Jetstream Model 3101 airplanes, all serial numbers, that have Jetstream Kit JK12097 or Jetstream Service Bulletin 32-JK12097 incorporated; and

—Jetstream Model 3201 airplanes, all serial numbers, that are equipped with Dunlop AH54450 brake units.

Note 1: Jetstream Kit JK12097 and Jetstream Service Bulletin 32-JK12097 include the procedures necessary to incorporate J3200 series wheels with 12-ply rated tires and brakes for Jetstream Model 3101 airplanes.

Note 2: 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 (d) 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 in the body of this AD, unless already accomplished.

To prevent failure of the main landing gear brakes because the wear indicator pins present a false indication of the remaining wear of the brake units, which could result in loss of control of the airplane during takeoff, landing, or taxi operations, accomplish the following:

(a) Within the next 30 calendar days after the effective date of this AD, inspect the main landing gear brake units for correct setting of the wear indicator pins, in accordance with the instructions in PART 2 of British Aerospace Jetstream Alert Service Bulletin 32-A-JA980540, ORIGINAL ISSUE: July 6, 1998. Prior to further flight, re-set the pins if the existing setting is incorrect, in accordance with the service bulletin.

(b) As of the effective date of this AD, no person may install Dunlop AH54450 brake units on any Jetstream Model 3201 airplane or incorporate Jetstream Kit JK12097 and Jetstream Service Bulletin 32-JK12097 on any Jetstream 3101 airplane, unless the inspection and possible follow-up requirements of paragraph (a) of this AD have been accomplished on the parts.

(c) 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.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to British Aerospace Jetstream Alert Service Bulletin 32-A-JA980540, ORIGINAL ISSUE: July 6, 1998, should be directed to British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) The inspection and modification required by this AD shall be done in accordance with British Aerospace Jetstream Alert Service Bulletin 32-A-JA980540, ORIGINAL ISSUE: July 6, 1998. 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 British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. Copies may be inspected at the FAA, Central Region, Office of the Regional

Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, 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 British AD 003-07-98, dated July 13, 1998.

(g) This amendment becomes effective on April 2, 1999.

Issued in Kansas City, Missouri, on February 9, 1999.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-3888 Filed 2-19-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-148-AD; Amendment 39-11048; AD 99-04-23]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, that requires repetitive ultrasonic inspections to detect broken bolts that attach the terminal support fittings to the upper part of the Body Station 1088 bulkhead, and corrective actions, if necessary. This amendment also requires eventual replacement of the existing bolts with new, improved bolts, which, when accomplished, terminates the repetitive inspection requirements of this AD. This amendment is prompted by reports that bolts that attach the terminal support fittings to the upper part of the bulkhead were found broken. The actions specified by this AD are intended to prevent such broken bolts, which could result in reduced structural integrity of the vertical fin installation and possible loss of the vertical fin.

DATES: Effective March 29, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 29, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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: Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1153; fax (425) 227-1181.

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 Boeing Model 737 series airplanes was published in the **Federal Register** on July 15, 1998 (63 FR 38116). That action proposed to require repetitive ultrasonic inspections to detect broken bolts that attach the terminal support fittings to the upper part of the Body Station 1088 bulkhead, and corrective actions, if necessary. That action also proposed to require eventual replacement of the existing bolts with new, improved bolts, which, when accomplished, would terminate the requirements of the AD.

Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Several commenters support the proposed rule.

Request to Revise Applicability of the AD

One commenter requests that the applicability of the proposed AD be revised to list the affected airplanes by specific model number. The commenter states that the proposed applicability could cause undue confusion because the next generation (737-600/-700/-800) series airplanes will start over with line number 001, and the proposal does not apply to these next generation airplanes.

The FAA concurs with the commenter's request. The FAA has verified that the cumulative line numbering of the next generation airplanes (737-600/-700/-800) will be reset to begin with line number 001. Additionally, the Model 737-400 and -500 series airplanes begin with line number 1486 and have a design change implemented that specifies installation of the Inconel bolts; therefore, those airplanes are not subject to the identified unsafe condition. The

applicability section of the final rule has been revised to specify Model 737-100, -200 and -300 series airplanes only, line numbers 1 through 1485.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. 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

There are approximately 1,485 airplanes of the affected design in the worldwide fleet. The FAA estimates that 630 airplanes of U.S. registry will be affected by this AD.

It will take approximately 3 work hours per airplane to accomplish the required inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be \$113,400, or \$180 per airplane, per inspection cycle.

It will take approximately 9 work hours per airplane to accomplish the required replacement, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$471 per airplane. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be \$636,930, or \$1,011 per airplane.

The cost impact figures discussed above are 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.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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:

99-04-23 Boeing: Amendment 39-11048. Docket 98-NM-148-AD.

Applicability: Model 737-100, -200, and -300 series airplanes, line numbers 1 through 1485 inclusive; 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 broken bolts that attach the terminal support fittings to the upper part of the Body Station (BS) 1088 bulkhead, which could result in reduced structural integrity of the vertical fin installation and possible loss of the vertical fin, accomplish the following:

(a) Within 18 months after the effective date of this AD, perform an ultrasonic inspection to detect broken bolts that attach the terminal support fittings to the upper part of the BS 1088 bulkhead, in accordance with Boeing Service Bulletin 737-53-1107, Revision 3, dated August 26, 1993; as revised

by Notice of Status Change 737-53-1107 NSC 3, dated June 9, 1994, and Notice of Status Change 737-53-1107 NSC 4, dated September 22, 1994; or Boeing Service Bulletin 737-53-1107, Revision 4, dated February 8, 1996.

(1) If no broken bolt is found, repeat the ultrasonic inspection thereafter at intervals not to exceed 18 months.

(2) If any broken bolt is found, prior to further flight, perform the actions specified in paragraph (b) of this AD.

(b) Prior to the accumulation of 20 years since date of manufacture of the airplane, or within 18 months after the effective date of this AD, whichever occurs later, remove all 16 H-11 steel alloy bolts that attach the terminal support fittings to the upper part of the bulkhead, and perform an eddy current inspection to detect cracking or corrosion of the bolt holes, in accordance with Figure 2 of Boeing Service Bulletin 737-53-1107, Revision 3, dated August 26, 1993; as revised by Notice of Status Change 737-53-1107 NSC 3, dated June 9, 1994, and Notice of Status Change 737-53-1107 NSC 4, dated September 22, 1994; or Boeing Service Bulletin 737-53-1107, Revision 4, dated February 8, 1996.

(1) If no cracking or corrosion is found, prior to further flight, oversize all 16 bolt holes and install new Inconel bolts, in accordance with Figure 2 of the service bulletin. Accomplishment of this installation constitutes terminating action for the repetitive inspection requirements of this AD.

(2) If any corrosion is found, prior to further flight, oversize the bolt hole within the limits specified in Figure 2, Step 4, of the service bulletin, and install a new Inconel bolt, in accordance with Figure 2 of the service bulletin. Accomplishment of the installation for all 16 bolt holes constitutes terminating action for the repetitive inspection requirements of this AD. If corrosion does not clean up within the limits specified in Figure 2, Step 4, of the service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(3) If any cracking is found, prior to further flight, oversize the bolt hole within the limits specified in Figure 2, Step 5, of the service bulletin, and perform another eddy current inspection to ensure cracks have been removed, in accordance with Figure 2 of the service bulletin.

(i) If, after oversizing, no cracking is found, prior to further flight, oversize the bolt hole again, and install a new Inconel bolt, in accordance with Figure 2 of the service bulletin. Accomplishment of the installation for all 16 bolt holes constitutes terminating action for the repetitive inspection requirements of this AD.

(ii) If, after oversizing, any cracking is found, prior to further flight, repair in accordance with a method approved by the Manager, Seattle ACO.

Note 2: Replacement of all H-11 steel alloy bolts accomplished prior to the effective date of this AD, in accordance with Boeing Service Bulletin 737-53-1107, dated October 15, 1987; Revision 1, dated June 22, 1989; or

Revision 2, dated September 10, 1992; is considered acceptable for compliance with the applicable actions specified in paragraph (b) of this AD.

(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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(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.

(e) Except as provided by paragraphs (b)(2) and (b)(3)(ii) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 737-53-1107, Revision 3, dated August 26, 1993; as revised by Notice of Status Change 737-53-1107 NSC 3, dated June 9, 1994, and Notice of Status Change 737-53-1107 NSC 4, dated September 22, 1994; or Boeing Service Bulletin 737-53-1107, Revision 4, dated February 8, 1996. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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.

(f) This amendment becomes effective on March 29, 1999.

Issued in Renton, Washington, on February 11, 1999.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-3935 Filed 2-19-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-ACE-52]

Amendment to Class E Airspace; Perry, IA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Perry, IA.

DATES: The direct final rule published at 64 FR 10 is effective on 0901 UTC, March 25, 1999.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE-520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426-3408.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on January 4, 1999 (64 FR 10). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on March 25, 1999. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on January 29, 1999.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99-4182 Filed 2-19-99; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99-ACE-3]

Amendment to Class E Airspace; Newton, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Class E airspace area at Newton City-County Municipal Airport, Newton, KS. A review of the Class E airspace area for Newton City-County Airport indicates it does not comply with the criteria for 700 feet Above Ground Level (AGL) airspace required for diverse departures as specified in FAA Order 7400.2D. The Class E airspace has been enlarged to conform to the criteria of FAA Order 7400.2D. The intended effect of this rule is to provide additional controlled Class E airspace for aircraft operating under Instrument Flight Rules (IFR), and