

the start of the third biweekly pay period prior to the end of the leave year.

\* \* \* \* \*

3. A new § 630.310 is added to read as follows:

**§ 630.310 Scheduling of annual leave by employees determined necessary for Year 2000 computer conversion efforts.**

(a) Year 2000 computer conversion efforts are deemed to be an exigency of the public business for the purpose of restoring annual leave forfeited under 5 U.S.C. 6304. This exigency terminates on January 31, 2000.

(b) For any employee who forfeits annual leave under 5 U.S.C. 6304 at the beginning of leave year 2000 because the agency determined the employee's services were required during the Year 2000 computer conversion exigency, the forfeited annual leave is deemed to have been scheduled in advance for the purpose of 5 U.S.C. 6304(d)(1)(B) and § 630.208.

(c) Annual leave restored under 5 U.S.C. 6304(d) because of the Year 2000 computer conversion exigency must be scheduled and used not later than the end of leave year 2002.

(d) The time limits established under paragraphs (a) and (b) of § 630.308 for using previously restored annual leave do not apply for the period during which an employee's services were determined necessary for the completion of Year 2000 computer conversion efforts. On January 31, 2000, a new time limit will be established under paragraph (c) of this section for all annual leave restored to such an employee.

(e) An employee whose services were determined necessary during the Year 2000 computer conversion exigency for a portion of leave year 1999, but who subsequently moves to a position not involving Year 2000 computer conversion efforts, must make a reasonable effort to comply with the scheduling requirement in § 630.308(a). The head of the agency or his or her designee may exempt such an employee from the advance scheduling requirement in § 630.308(a) if coverage under paragraphs (a) and (b) of this section terminated during leave year 1999 and the employee can demonstrate that he or she was unable to comply with the advance scheduling requirement due to circumstances beyond his or her control.

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 99-NM-179-AD; Amendment 39-11267; AD 99-18-01]

RIN 2120-AA64

**Airworthiness Directives; Boeing Model 737-700 and -800 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 737-700 and -800 series airplanes, that currently requires revising the Airplane Flight Manual (AFM) to prohibit operation of the airplane under certain conditions; repetitive inspections of the tab mast fitting of the elevator tab assemblies to detect cracking; an elevator tab freeplay check; and corrective actions, if necessary. That AD also provides for optional terminating action for certain repetitive inspections, and requires installing an additional fastener on the elevator tab mast fitting, which terminates the AFM revision and extends certain repetitive inspection intervals. This amendment continues to require certain actions, and revises and adds certain other requirements. This amendment is prompted by a report of a severe vibration incident on a Boeing Model 737-800 series airplane; inspection revealed fracturing of the elevator tab mast fitting and excessive freeplay in the elevator tab. The actions specified in this AD are intended to prevent loss of controllability of the airplane due to excessive freeplay in the elevator tab or a free tab.

**DATES:** Effective September 9, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 9, 1999.

Comments for inclusion in the Rules Docket must be received on or before October 25, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-179-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

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 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.

**FOR FURTHER INFORMATION CONTACT:**

Gregory L. Schneider, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2028; fax (425) 227-1181.

**SUPPLEMENTARY INFORMATION:** On June 22, 1999, the FAA issued AD 99-13-51, amendment 39-11213 (64 FR 34976, June 30, 1999), applicable to certain Boeing Model 737-700 and -800 series airplanes, to require revising the Airplane Flight Manual (AFM) to prohibit operation of the airplane under certain conditions; repetitive inspections of the tab mast fitting of the elevator tab assemblies to detect cracking; an elevator tab freeplay check; and corrective actions, if necessary. That AD also provides for optional terminating action for certain repetitive inspections. In addition, that AD requires installing an additional fastener on the elevator tab mast fitting, which terminates the AFM revision and extends certain repetitive inspections. That action was prompted by a report of a severe vibration incident on a Boeing Model 737-800 series airplane; inspection revealed fracturing of the elevator tab mast fitting and excessive freeplay in the elevator tab. The actions required by that AD are intended to prevent reduced controllability of the airplane due to excessive freeplay in the elevator tab or a free tab.

**Actions Since Issuance of Previous Rule**

Since the issuance of that AD, the FAA has reviewed and approved the following new service information:

- Boeing Alert Service Bulletin 737-55A1068, Revision 1, dated June 11, 1999, describes procedures similar to those described in the original issue of that alert service bulletin, as cited in AD 99-13-51. However, Revision 1 adds a close visual inspection (detailed visual inspection) of the elevator tab mast fitting and revises certain part numbers and references due to typographical errors in the original issue of the alert service bulletin.

- Boeing Service Bulletin 737-55-1063, dated July 1, 1999, describes procedures for replacing a cracked elevator tab mast fitting with a new, improved fitting. Such replacement eliminates the need for repetitive

inspections of the elevator tab mast fittings.

#### Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, this AD supersedes AD 99-13-51 to continue to require revising the AFM to prohibit operation of the airplane under certain conditions; repetitive inspections of the tab mast fitting of the elevator tab assemblies to detect cracking; an elevator tab freeplay check; and corrective actions, if necessary. This AD also continues to provide for optional terminating action only for certain repetitive inspections; and installing an additional fastener on the elevator tab mast fitting, which terminates the AFM revision and extends certain repetitive inspection intervals. This amendment also provides optional terminating action for the requirements of this AD.

It should be noted that, except as otherwise provided for in the AFM emergency procedures, this AD prohibits the deployment of the spoilers at speeds in excess of 310 knots indicated airspeed (IAS) with speed brakes extended. This AD also prohibits the operation of the airplane above FL 390. The FAA recognizes that under emergency circumstances, as specified in the AFM, it might become necessary to deploy spoilers in excess of 310 knots IAS. In that event, this AD requires accomplishment of the high frequency eddy current (HFEC) and detailed visual inspections of the elevator tab mast fittings and of the check of the tabs for freeplay, prior to further flight after landing.

#### Interim Action

This is considered to be interim action. The FAA is currently considering requiring the currently optional terminating action (replacement of the elevator tab mast fitting with a new, improved fitting). However, the planned compliance time for the replacement is sufficiently long so that notice and opportunity for prior public comment will be practicable.

#### Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements

affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99-NM-179-AD." The postcard will be date stamped and returned to the commenter.

#### 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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to 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 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 removing amendment 39-11213 (64 FR 34976, June 30, 1999), and by adding a new airworthiness directive (AD), amendment 39-11267, to read as follows:

**99-18-01 Boeing:** Amendment 39-11267.

Docket 99-NM-179-AD. Supersedes AD 99-13-51, Amendment 39-11213.

*Applicability:* Model 737-700 and -800 series airplanes having line numbers 1 through 190, 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 (j) 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 loss of controllability of the airplane due to excessive freeplay in the elevator tab or a free tab, accomplish the following:

#### Airplane Flight Manual (AFM) Revision Required by AD 99-13-51

(a) Within 24 clock hours after July 6, 1999 (the effective date of AD 99-13-51, amendment 39-11213), revise the Limitations Section of the FAA-approved

AFM to include the following information. This may be accomplished by inserting a copy of this AD into the AFM.

"Do not operate the airplane at speeds in excess of 310 knots indicated airspeed (IAS) with speed brakes extended. Do not operate the airplane above FL 390."

#### Action in Event of Speed Brake Deployment

(b) In the event of deployment of the speed brakes at speeds in excess of 310 knots IAS, prior to further flight after landing, accomplish the requirements of paragraph (c) of this AD.

#### Inspection and Check Required by AD 99-13-51

(c) Within 10 days after July 6, 1999, perform a high frequency eddy current (HFEC) inspection of the elevator tab mast fitting of the left and right elevator tab assembly to detect cracking, and a one-time elevator tab freeplay check to detect freeplay of the elevator tab, in accordance with Boeing Alert Service Bulletin 737-55A1068, dated June 9, 1999, or Revision 1, dated June 11, 1999.

(1) If no cracking is found in the elevator tab mast fitting, repeat the HFEC inspection thereafter at intervals not to exceed 15 days, until accomplishment of the actions required by paragraph (g) of this AD. After the effective date of this AD, only the HFEC and detailed visual inspection required by paragraph (f) of this AD shall be accomplished.

(2) If any cracking is found in the elevator tab mast fitting, prior to further flight, accomplish the requirements of paragraph (h) of this AD.

(3) If any freeplay is found that is outside the limits specified in the alert service bulletin, prior to further flight, perform corrective actions in accordance with the alert service bulletin.

**Note 2:** Boeing Alert Service Bulletin 737-55A1068, dated June 9, 1999, references Boeing Model 737-600/-700/-800 Maintenance Manual (AMM), Subjects 27-09-91, 27-31-00, and 51-21-99; 737 Nondestructive Test (NDT) Manual D6-37239, Part 6, Subject 55-00-00; 737 Structural Repair Manual (SRM) Subject 51-20-81; and Operations Manual Service Bulletin D6-27370-TBC ("Elevator Tab Operational Limitations"), dated June 10, 1999; as additional sources of service information to accomplish certain requirements of this AD.

#### New AFM Revision

(d) Within 24 clock hours after the effective date of this AD, revise the Limitations Section of the FAA-approved AFM to include the following information. This may be accomplished by inserting a copy of this AD into the AFM. Following accomplishment of this AFM revision, remove the AFM revision required by paragraph (a) of this AD from the Limitations Section of the FAA-approved AFM.

"Except as otherwise provided for in the AFM emergency procedures, do not operate the airplane at speeds in excess of 310 knots indicated airspeed (IAS) with speed brakes extended. Do not operate the airplane above FL 390."

#### Action in Event of Speed Brake Deployment

(e) In the event of deployment of the speed brakes at speeds in excess of 310 knots IAS, prior to further flight after landing, accomplish the requirements of paragraph (f) of this AD.

#### Inspections and Check

**Note 3:** Accomplishment of the initial HFEC inspection and check required by paragraph (c) of this AD, prior to the effective date of this AD, in accordance with Boeing Alert Service Bulletin 737-55A1068, dated June 9, 1999, is considered acceptable for compliance with the HFEC inspection, detailed visual inspection, and one-time freeplay check required by paragraph (f) of this AD.

(f) Within 10 days after the effective date of this AD, perform an HFEC inspection and a detailed visual inspection of the elevator tab mast fittings of the left and right elevator tab assemblies to detect cracking, and a one-time elevator tab freeplay check to detect freeplay of the elevator tabs, in accordance with Boeing Alert Service Bulletin 737-55A1068, Revision 1, dated June 11, 1999. Accomplishment of these actions terminates the inspections and checks required by paragraph (c) of this AD.

(1) If no cracking is found in any elevator tab mast fitting, repeat the HFEC and detailed visual inspections thereafter at intervals not to exceed 15 days, until accomplishment of the actions required by paragraph (g) of this AD.

(2) If any cracking is found in any elevator tab mast fitting, prior to further flight, accomplish the replacement action required by paragraph (h) of this AD.

(3) If any freeplay is found in any elevator tab, which is outside the limits specified in the alert service bulletin, prior to further flight, perform corrective actions in accordance with the alert service bulletin.

**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."

**Note 5:** Boeing Alert Service Bulletin 737-55A1068, Revision 1, dated June 11, 1999, references Boeing Model 737-600/-700/-800 Maintenance Manual (AMM), Subjects 27-09-91, 27-31-00, 27-31-34, and 51-21-99; 737 Nondestructive Test (NDT) Manual D6-37239, Part 6, Subject 51-00-00; 737 Structural Repair Manual (SRM) Subjects 51-20-01, 51-20-07, and 51-21-99; and 737-600/-700/-800 Operations Manual Service Bulletin "Elevator Tab Operational Limitations"; as additional sources of service information to accomplish certain requirements of this AD.

#### Time-Limited Modification

(g) Within 90 days after July 6, 1999, install an additional high-strength fastener on the elevator tab mast fitting in accordance with

Boeing Alert Service Bulletin 737-55A1068, dated June 9, 1999, or Boeing Alert Service Bulletin 737-55A1068, Revision 1, dated June 11, 1999. Accomplishment of this modification constitutes terminating action for the requirements of paragraphs (b), (c), and (e) of this AD. Following accomplishment of the installation, the AFM revision required by paragraphs (a) and (d) of this AD may be removed from the AFM. Following accomplishment of the installation, repeat the HFEC and detailed visual inspection required by paragraph (f) of this AD thereafter at intervals not to exceed 90 days, until accomplishment of paragraph (h) of this AD.

#### Optional Terminating Action

(h) Replacement of the elevator tab mast fittings with new, improved tab mast fittings, in accordance with Boeing Service Bulletin 737-55-1063, dated July 1, 1999, constitutes terminating action for the requirements of this AD.

#### Spares

(i) As of the effective date of this AD, no person shall install an elevator tab mast fitting, part number (P/N) 183A8400-1 or 183A8400-2, on any airplane.

#### Alternative Methods of Compliance

(j) 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 Aircraft Certification Office (ACO), 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, Seattle ACO.

**Note 6:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

#### Special Flight Permits

(k) 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

(l) Except as provided by paragraphs (a), (b), (e), and (f) of this AD, the actions shall be done in accordance with the following service information, as applicable:

(1) The incorporation by reference of Boeing Alert Service Bulletin 737-55A1068, Revision 1, dated June 11, 1999, and Boeing Service Bulletin 737-55-1063, dated July 1, 1999, as applicable, was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Boeing Alert Service Bulletin 737-55A1068, dated June 9, 1999, was approved previously by the Director of the **Federal Register** as of July 6, 1999 (64 FR 34976, June 30, 1999).

(3) 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.

(m) This amendment becomes effective on September 9, 1999.

Issued in Renton, Washington, on August 18, 1999.

**D.L. Riggins,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 99-21954 Filed 8-24-99; 8:45 am]

BILLING CODE 4910-13-P

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 95-AWA-4]

RIN 2120-AA66

#### **Modification of the Orlando Class B Airspace Area, Orlando, FL; and Modification of the Orlando Sanford Airport Class D Airspace Area, Sanford, FL; Correction**

AGENCY: Federal Aviation Administration (FAA) DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** This action corrects the graphic of the Orlando Class B airspace area, Orlando, FL; and the Orlando Sanford Airport Class D airspace area, Sanford, FL, which was published on August 5, 1999. This action is necessary to correct the graphic published in the final rule by deleting the word "Proposed."

**EFFECTIVE DATE:** 0901 UTC, September 9, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Sheri Edgett Baron, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:** On August 5, 1999, Airspace Docket No. 95-AWA-4, FR Doc. 99-20022, was published modifying the Orlando Class B airspace area, Orlando, FL; and modifying the Orlando Sanford Airport Class D airspace area, Sanford, FL (64 FR 42585). The rule included a graphic depicting the Orlando Class B airspace area as "Proposed." This action deletes

the word "Proposed," on the graphic, thereby correcting this error.

#### **Correction to Final Rule**

Accordingly, pursuant to the authority delegated to me, the graphic for the Orlando Class B airspace area as published in the **Federal Register** on August 5, 1999 (64 FR 42585); FR Doc. 99-20022, and incorporated by reference in 14 CFR 71.1, is corrected as follows:

#### **§ 71.1 [Corrected]**

On page 42590, correct the existing graphic depicting the Orlando proposed Class B airspace area to read as set forth at the end of this document.

Issued in Washington, DC, on August 16, 1999.

**Nancy B. Kalinowski,**

*Deputy Director for Air Traffic Airspace Management.*

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