

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) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin DC8-33A070, dated November 1, 1999. 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 Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on May 31, 2001.

Issued in Renton, Washington, on April 17, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-9937 Filed 4-25-01; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-276-AD; Amendment 39-12197; AD 2001-08-20]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model DC-8 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-8 series airplanes, that requires replacing the toilet flushing circuit breakers of the lavatory with new circuit breakers, and marking applicable nameplates. This action is necessary to prevent overheating of the flush pump motor, which could result in damage to the flush pump motor cover, and consequent smoke in the lavatory area. This action is intended to address the identified unsafe condition.

DATES: Effective May 31, 2001.

The incorporation by reference of certain publications listed in the

regulations is approved by the Director of the Federal Register as of May 31, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). 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 FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Elvin Wheeler, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5344; fax (562) 627-5210.

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 McDonnell Douglas Model DC-8 series airplanes was published in the **Federal Register** on September 1, 2000 (65 FR 53206). That action proposed to require replacing the toilet flushing circuit breakers of the lavatory with new circuit breakers, and marking applicable nameplates.

Comment Received

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

One commenter requests that the applicability of the proposed be revised to exclude airplanes in a freighter configuration on which the toilet flushing systems and associated equipment have been removed.

The FAA agrees. We find that McDonnell Douglas Model DC-8 series airplanes that have been converted from a passenger to a cargo-carrying ("freighter") configuration, without toilet flushing systems and associated equipment installed, are not subject to requirements of this AD. Therefore, we have removed these airplanes from the applicability of the final rule.

Conclusion

After careful review of the available data, including the comment 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 232 Model DC-8 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 199 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 or 2 work hours per airplane, depending on the configuration of the airplane, to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$348 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$408, or \$468 per airplane, depending on the configuration of the airplane.

The cost impact figure discussed above is 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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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:

2001-08-20 McDonnell Douglas:

Amendment 39-12197. Docket 99-NM-276-AD.

Applicability: Model DC-8 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin DC8-24A068, Revision 01, dated November 1, 1999; certificated in any category; except those airplanes that have been converted from a passenger to a cargo-carrying ("freighter") configuration, without toilet flushing systems and associated equipment installed.

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 overheating of the flush pump motor, which could result in damage to the flush pump motor cover, and consequent smoke in the lavatory area, accomplish the following:

Replacing Circuit Breakers and Marking of Nameplate

(a) Within 2 years after the effective date of this AD, replace the toilet flushing circuit

breakers of the lavatory with new circuit breakers, and mark applicable nameplates, in accordance with McDonnell Douglas Alert Service Bulletin DC8-24A068, Revision 01, dated November 1, 1999.

Note 2: Replacements and markings accomplished prior to the effective date of this AD in accordance with McDonnell Douglas DC-8 Service Bulletin 24-68, dated February 14, 1984; are considered acceptable for compliance with the requirements of paragraph (a) of this AD.

Spares

(b) As of the effective date of this AD, no person shall install a 2 amp toilet flushing circuit breaker, part number MP1503-DC8, on any airplane.

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, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

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) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin DC8-24A068, Revision 01, dated November 1, 1999. 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 Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on May 31, 2001.

Issued in Renton, Washington, on April 17, 2001.

Donald L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Highway Administration

23 CFR Part 1240

[Docket No. NHTSA-98-4494]

RIN 2127-AH38

Safety Incentive Grants for Use of Seat Belts—Allocations Based on State Seat Belt Use Rates

AGENCY: National Highway Traffic Safety Administration (NHTSA) and Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This final rule adopts, without change, the regulations that were published in an interim final rule to implement a new grant program established by the Transportation Equity Act for the 21st Century (TEA-21), and codified at section 157 of Title 23, United States Code. The final rule establishes procedures for allocating Federal grant funds to States whose seat belt use rates meet certain requirements. Under the statute, funds are to be allocated to States whose seat belt use rates exceed either the national average seat belt use rate or the State's highest-achieved seat belt use rate during certain years. Allocations are to be based on savings in medical costs to the Federal Government resulting from these seat belt use rates. The procedures in this final rule implement these statutory requirements.

DATES: This rule is effective on May 29, 2001.

FOR FURTHER INFORMATION CONTACT: The following persons at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590—In NHTSA: Wendi Wilson-John, State and Community Services, NSC-01, (202) 366-2121; John Donaldson, Office of the Chief Counsel, NCC-30, (202) 366-1834. In FHWA: Byron E. Dover, Office of Safety Design, HSA-10, (202) 366-2161; Raymond W. Cuprill, Office of the Chief Counsel, HCC-30, (202) 366-0791.

SUPPLEMENTARY INFORMATION:

A. Background

Section 1403 of the Transportation Equity Act for the 21st Century (TEA-21) (Public Law 105-178) added a new section 157 to Title 23 of the United States Code, replacing a predecessor Section 157. The new section (hereafter section 157) authorizes a State seat belt