

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

[Docket No. 98-NM-34-AD; Amendment 39-10536; AD 98-11-09]

RIN 2120-AA64

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain EMBRAER Model EMB-145 series airplanes, that requires a one-time visual inspection of the pilot valve harness tubes for bulges and cracks, cleaning the tubes, applying sealant at the tube end opening, and replacing any discrepant tubes with serviceable tubes. This amendment also requires replacement of the pilot valve harness tubes and vent valve tubes with new tubes having improved anti-corrosion protection. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent cracking of the pilot valve harness tubes, which could allow fuel to enter the conduit and leak overboard; this condition could result in increased risk of a fuel tank explosion and fire.

**DATES:** Effective June 24, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 24, 1998.

**ADDRESSES:** The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. 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, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Rob Capezzuto, Aerospace Engineer, ACE-115A, FAA, Small Airplane Directorate,

Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30337-2748; telephone (770) 703-6071; fax (770) 703-6097.

**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 EMBRAER Model EMB-145 series airplanes was published in the **Federal Register** on March 27, 1998 (63 FR 14853). That action proposed to require a one-time visual inspection of the pilot valve harness tubes for bulges and cracks, cleaning the tubes, applying sealant at the tube end opening, and replacing any discrepant tubes with serviceable tubes. That action also proposed to require replacement of the pilot valve harness tubes and vent valve tubes with new tubes having improved anti-corrosion protection.

**Comments**

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

**Conclusion**

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

**Cost Impact**

The FAA estimates that 15 airplanes of U.S. registry will be affected by this AD.

It will take approximately 2 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 \$1,800, or \$120 per airplane.

It will take approximately 8 work hours per airplane to accomplish the required replacement, at an average labor rate of \$60 per work hour. Required parts will be provided by the manufacturer at no cost to the operator. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be \$7,200, or \$480 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:

**98-11-09 Empresa Brasileira De Aeronautica S.A. (Embraer):**

Amendment 39-10536. Docket 98-NM-34-AD.

*Applicability:* Model EMB-145 series airplanes; as listed in EMBRAER Service Bulletin 145-28-0005, dated May 23, 1997, and EMBRAER Service Bulletin 145-28-0006, dated October 22, 1997; 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 cracking of the pilot valve harness tubes, which could allow fuel to enter the conduit and leak overboard, and result in increased risk of a fuel tank explosion and fire, accomplish the following:

(a) Within 30 calendar days or 200 hours time-in-service after the effective date of this AD, whichever occurs later, perform a one-time visual inspection of the pilot valve harness tubes (conduit) for bulges and cracks, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 145-28-0005, dated May 23, 1997.

(1) If no discrepancy is found in the harness tube, prior to further flight, clean the tube and apply sealant at the tube end opening in accordance with the service bulletin.

(2) If any crack or bulge is found in the harness tube, prior to further flight, replace the tube with a new or serviceable tube, clean the tube, and apply sealant at the tube end opening in accordance with the service bulletin.

(b) Within 4,000 hours time-in-service after the effective date of this AD, replace the existing pilot valve harness tubes and vent valve tubes with new tubes, in accordance with EMBRAER Service Bulletin 145-28-0006, dated October 22, 1997.

(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, Atlanta Aircraft Certification Office (ACO), FAA, Small 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, Atlanta ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta 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) The actions shall be done in accordance with EMBRAER Service Bulletin 145-28-0005, dated May 23, 1997, and EMBRAER Service Bulletin 145-28-0006, dated October 22, 1997. 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 Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane

Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 3:** The subject of this AD is addressed in Brazilian airworthiness directive 97-07-02R1, dated January 15, 1998.

(f) This amendment becomes effective on June 24, 1998.

Issued in Renton, Washington, on May 13, 1998.

**John J. Hickey,**

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

[FR Doc. 98-13313 Filed 5-19-98; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Parts 202, 216, and 250

RIN 1010-AC23

#### Royalties on Gas, Gas Analysis Reports, Oil and Gas Production Measurement, Surface Commingling, and Security

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Final rulemaking; corrections.

**SUMMARY:** MMS published in the **Federal Register** of May 12, 1998, a final rule commonly known as the "GVS rule" that updated production measurement, surface commingling, and security requirements and made other amendments. The final rule was to become effective on July 13, 1998. This document corrects the effective date and makes two other technical corrections to the final rule. The rule will become effective on June 29, 1998.

**EFFECTIVE DATES:** The rule published on May 12, 1998 (63 FR 26362) is effective May 12, 1998.

**FOR FURTHER INFORMATION CONTACT:** Kumkum Ray, Engineering and Operations Division at (703) 787-1600.

**SUPPLEMENTARY INFORMATION:** MMS needs the correction to the effective date of the GVS rule to ensure that the revised title 30 of the Code of Federal Regulations slated for publication on July 1, 1998 (i.e., the bound volume) includes the new numbering system in the final rule entitled, "Redesignation of 30 CFR Part 250" which follows the GVS final rule. We are also making two corrections: (1) A paragraph numbering correction and (2) a correction to specify a regulatory citation. In the final rule FR

Doc. 98-3533, published in the issue of Tuesday, May 12, 1998, make the following corrections.

### Corrections

1. On page 26362 in the preamble the effective date is corrected to read as follows:

[**EFFECTIVE DATES:** June 29, 1998]. The Director of the Federal Register has approved the incorporation by reference of certain publications listed in the regulations as of June 29, 1998.

2. On page 26367 in the third column in § 250.1(a) on the third line "paragraph (d)" is corrected to read "paragraph (e)."

3. On page 26372 in the third column in § 250.182(g) at the end of the introductory text, "30 CFR 250, Subpart A:" is corrected to read "30 CFR 250.1:"

Dated: May 13, 1998.

**E.P. Danenberger,**

*Chief, Engineering and Operations Divisions.*

[FR Doc. 98-13275 Filed 5-19-98; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 Part 199

RIN 0720-AA43

[DoD 6010.8-R]

#### Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Waiver of Collection of Payments Due From Certain Persons Unaware of Loss of CHAMPUS Eligibility

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Final rule.

**SUMMARY:** This final rule authorizes the waiver of collection of payments due from individuals who lost their CHAMPUS eligibility when they became eligible for Medicare Part A, due to disability or end stage renal disease.

**EFFECTIVE DATE:** This final rule is effective June 19, 1998.

**ADDRESSES:** TRICARE Management Activity, 1B657 Pentagon, Washington, DC 20301-1200.

**FOR FURTHER INFORMATION CONTACT:** Cynthia P. Speight, TRICARE Management Activity, (703) 697-8975.

**SUPPLEMENTARY INFORMATION:**

### I. Overview of the Final Rule

Formerly, under Title 10 United States Code, Section 1086(d), a beneficiary lost eligibility for CHAMPUS when he or she became eligible for Medicare Part A, including when eligibility was due to disability or