paragraph (d) of this section is a reduction in pay for the purpose of applying the adverse action procedures of 5 U.S.C. 7512 and part 752 of this chapter, except for special agents in the Foreign Service. For special agents in the Foreign Service, an involuntary suspension of availability pay resulting from a denial or cancellation of certification under paragraph (d) of this section will be administered under procedures established by regulations of the Department of State.

* * * * *

7. In § 550.185, paragraph (a) is revised to read as follows:

§ 550.185 Payment of availability pay.

(a) Availability pay is paid only for periods of time during which a criminal investigator receives basic pay. Availability pay is an amount equal to the lesser of—

(1) 25 percent of a criminal investigator's rate of basic pay, as defined in § 550.103, including amounts designated as ''salary'' for special agents in the Diplomatic Security Service; or

(2) The maximum amount that may be paid to avoid exceeding the maximum earnings limitation on premium pay for law enforcement officers in 5 U.S.C. 5547(c).

* * * * *

8. In § 550.186, paragraph (b) is revised to read as follows:

§ 550.186 Relationship to other payments.

* * * * *

(b) Availability pay is treated as part of basic pay or basic salary only for the following purposes:

(1) 5 U.S.C. 5524a, pertaining to advances in pay;

(2) 5 U.S.C. 5595(c), pertaining to severance pay;

(3) 5 U.S.C. 8114(e), pertaining to workers' compensation;

(4) 5 U.S.C. 8331(3) and 5 U.S.C. 8401(4), pertaining to retirement benefits;

(5) Subchapter III of chapter 84 of title 5, United States Code, pertaining to the Thrift Savings Plan;

(6) 5 U.S.C. 8704(c), pertaining to life insurance;

(7) Sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980, as amended (Pub. L. 96–465), pertaining to Foreign Service retirement benefits; and

(8) For any other purposes explicitly provided for by law or as the Office of Personnel Management or the Secretary of State (for matters exclusively within the jurisdiction of the Secretary) may prescribe by regulation.

* * * * *

[FR Doc. 99–2153 Filed 1–27–99; 3:16 pm]

BILLING CODE 6325–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–386–AD; Amendment 39–11015; AD 99–01–12]

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; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) 99–01–12 that was sent previously to all known U.S. owners and operators of certain EMBRAER Model EMB–145 series airplanes by individual notices. This AD requires revisions to the Airplane Flight Manual to provide the flight crew with updated procedures for prohibiting use of the autopilot below 1,500 feet above ground level, emergency procedures for pitch trim runaway, and abnormal procedures for autopilot trim failure and stabilizer out of trim. This AD also requires installation of certain warning placards. This action is prompted by a report indicating that, during a flight test of a similar airplane model, the pitch trim monitoring subsystem malfunctioned internally. The actions specified by this AD are intended to prevent failure of the pitch trim system, which could cause undetected autopilot trim runaway, and consequent reduced controllability of the airplane, uncommanded autopilot disconnect, and excessive altitude loss.

DATES: Effective February 2, 1999, to all persons except those persons to whom it was made immediately effective by emergency AD 99–01–12, issued December 29, 1998, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 2, 1999.

Comments for inclusion in the Rules Docket must be received on or before March 1, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–386–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The applicable service information 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 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.

FOR FURTHER INFORMATION CONTACT: Rob Cappezzuto, Aerospace Engineer, ACE–116A, Systems and Flight Test Branch, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 773–6071; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: On December 29, 1998, the FAA issued emergency AD 99–01–12, which is applicable to certain EMBRAER Model EMB–145 series airplanes.

The Departmento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB–145 series airplanes. The DAC advises that, during a flight test of a similar airplane model, equipped with a Honeywell Primus 1000 Integrated Avionics System, the pitch trim monitoring subsystem experienced an internal malfunction. The cause of the failure of this system has been attributed to a software error, which resulted in failure of the trim monitoring subsystem to detect a trim malfunction. This condition, if not corrected, could cause undetected autopilot trim runaway, which could result in reduced controllability of the airplane, uncommanded autopilot disconnect, and excessive altitude loss. If these conditions occur at low altitude, control of the airplane could be unrecoverable.

Explanation of Relevant Service Information

EMBRAER has issued Alert Service Bulletin S.B. 145–31–A010, dated December 15, 1998, which describes procedures for installation of certain warning placards on the left and right

sides of the cockpit glareshield panel to prohibit use of the autopilot below 1,500 feet above ground level (AGL). The DAC classified this alert service bulletin as mandatory and issued Brazilian Emergency Airworthiness Directive 98–12–01, dated December 21, 1998, in order to assure the continued airworthiness of these airplanes in Brazil.

FAA's Conclusions

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design registered in the United States, the FAA issued emergency AD 99–01–12 to prevent failure of the pitch trim system, which could cause undetected autopilot trim runaway, and consequent reduced controllability of the airplane, uncommanded autopilot disconnect, and excessive altitude loss.

The AD requires installation of certain warning placards on the left and right sides of the cockpit glareshield panel to prohibit autopilot below 1,500 feet AGL. The installation of the placard is required to be accomplished in accordance with the alert service bulletin described previously.

In addition, the FAA has determined that a revision to the Airplane Flight Manual (AFM) is necessary to ensure that the Limitations Section of the AFM is changed to provide the flight crew with updated procedures prohibiting the use of the autopilot below 1,500 feet AGL, emergency procedures for pitch trim runaway, and abnormal procedures for autopilot trim failure and stabilizer out of trim.

This amendment is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on December 29, 1998, to all known U.S. owners and operators of certain EMBRAER Model EMB–145 series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

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 98–NM–386–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 adding the following new airworthiness directive:

99–01–12 Empresa Brasileira de Aeronautica, S.A. (EMBRAER): Amendment 39–11015. Docket 98–NM–386–AD.

Applicability: Model EMB–145 series airplanes, serial numbers 145004 through 145047 inclusive and 145049 through 145051 inclusive; certificated in any category; equipped with IC–600 having part number (P/N) 7017000–82402 or P/N 7017000–83402; excluding those airplanes on which the modification specified in any of the following Embraer service bulletins has been accomplished:

- Embraer Service Bulletin 145–22–0001, dated May 7, 1998;
- Embraer Service Bulletin 145–22–0004, Revision 01, dated July 30, 1998;
- Embraer Service Bulletin 145–31–0007, Revision 02, dated June 30, 1998.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the pitch trim system, which could cause undetected autopilot trim runaway, and result in reduced controllability of the airplane, uncommanded autopilot disconnect, and excessive altitude loss; accomplish the following:

(a) Within 20 flight hours after the effective date of this AD, accomplish paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this AD.

(1) Install warning placards, P/N 145–39641–001, on the left and right sides of the cockpit glareshield panel, using double-face tape (or similar), in accordance with Embraer Alert Service Bulletin S.B. 145–31–A010, dated December 15, 1998, which state:

''DO NOT OPERATE AUTOPILOT BELOW 1,500 FT A.G.L.''

(2) Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) (in the ''AUTOPILOT'' section) to include the information contained in this paragraph of the AD. This may be accomplished by inserting a copy of this AD in the AFM.

AUTOPILOT

THE USE OF AUTOPILOT BELOW 1,500 FEET IS PROHIBITED.''

(3) Revise the Emergency Procedures Section of the FAA-approved AFM (in the ''PITCH TRIM RUNAWAY'' section) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

PITCH TRIM RUNAWAY

Immediately and simultaneously:
Control Column .....HOLD FIRMLY
Quick Disconnect Button .....PRESS AND HOLD
Pitch Trim Main System.....OFF
Pitch Trim Back Up System .....OFF
Quick Disconnect Button .....RELEASE

If control column forces are excessive, try to recover airplane control by turning one system on and trimming the airplane as necessary. Initiate with the backup system. Leave the failed system off.

If neither system is operative:
PITCH TRIM INOPERATIVE
Procedure .....COMPLETE
Autopilot.....OFF

Do not use the autopilot for the remainder of the flight.''

(4) Revise the Abnormal Procedures Section of the FAA-approved AFM (in the ''AUTOPILOT'' section) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

AUTOPILOT TRIM FAILED

PITCH TRIM RUNAWAY Procedure
..... PERFORM

STABILIZER OUT OF TRIM

PITCH TRIM RUNAWAY Procedure
..... PERFORM''

(b) 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 Operations Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(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) The installation shall be done in accordance with Embraer Alert Service Bulletin S.B. 145–31-A010, dated December 15, 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 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 30349; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 2: The subject of this AD is addressed in Brazilian airworthiness directive 98–12–01, dated December 21, 1998.

(e) This amendment becomes effective on February 2, 1999, to all persons except those persons to whom it was made immediately effective by emergency AD 99–01–12, issued December 29, 1998, which contained the requirements of this amendment.

Issued in Renton, Washington, on January 21, 1999.

Darrell M. Pederson,

Acting Manager,

Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–1980 Filed 1–28–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–379–AD; Amendment 39–11016; AD 98–26–51]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes Modified in Accordance With Supplemental Type Certificate SA1802SO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 98–26–51 that was sent previously to all known U.S. owners and operators of certain McDonnell Douglas Model DC–8 series airplanes by individual telegrams. This AD requires a revision to the Airplane Flight Manual to specify restrictions on operating if any pressurization anomaly is detected. This AD also requires a one-time inspection to detect discrepancies and cracking of the main deck cargo door in the immediate area of the bolts attaching the latch fittings, and repair, if necessary. This action is prompted by a report that a cabin pressurization anomaly was detected on a McDonnell Douglas Model DC–8 series airplane, and by subsequent investigation, which revealed fatigue cracking in the structure of the main deck cargo door. The actions specified by this AD are intended to detect and correct fatigue cracking in the structure of the main deck cargo door, which could result in cabin decompression of the airplane and loss of the main deck cargo door, and consequent reduced controllability of the airplane.

DATES: Effective February 3, 1999, to all persons except those persons to whom it was made immediately effective by telegraphic AD T98–26–51, issued December 18, 1998, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before March 30, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–379–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Information pertaining to this amendment may be obtained from or examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30337–2748.

FOR FURTHER INFORMATION CONTACT: Rany Azzi, Aerospace Engineer, Airframe and Propulsion Branch, ACE–117A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30337–2748; telephone (770) 703–6080; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: On December 18, 1998, the FAA issued telegraphic AD T98–26–51, which is applicable to certain McDonnell Douglas Model DC–8 series airplanes