action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 draft regulatory 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, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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:

Boeing: Docket 98–NM–193–AD.

Applicability: Model 767 series airplanes, as listed in Boeing Alert Service Bulletin 767–32A0163, Revision 1, October 1, 1998; 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 (b) 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 interference and consequent arcing between the movement of the landing gear control lever and the wire bundles adjacent to the landing gear control lever module, which could result in inability to extend the landing gear prior to landing, accomplish the following:

(a) Within 90 days after the effective date of this AD, perform a one-time visual inspection to detect discrepancies (i.e., cut, abrasion, fraying, and arcing) of the wire expando sleeve of the wire bundles adjacent to the landing gear control lever module, in accordance with Boeing Alert Service Bulletin 767–32A0163, dated March 5, 1998, or Revision 1, dated October 1, 1998.

(1) If no discrepancy of the wire expando sleeve is detected, prior to further flight, wrap the wire expando sleeve with tape or zippertubing and tape, in accordance with the alert service bulletin or Revision 1.

(2) If any discrepancy of the wire expando sleeve is detected, prior to further flight, perform a visual inspection to detect discrepancies of the varglas layer, in accordance with the alert service bulletin or Revision 1.

(i) If no discrepancy of the varglas layer is detected, prior to further flight, repair the wire expando sleeve and wrap it with tape or zippertubing and tape, in accordance with the alert service bulletin or Revision 1.

(ii) If any discrepancy of the varglas layer is detected, prior to further flight, perform a visual inspection to detect discrepancies of the wire bundles, in accordance with the alert service bulletin or Revision 1.

(A) If no discrepancy of the wire bundles is detected, prior to further flight, rewrap the wires with new varglas layer, repair the wire expando sleeve, and wrap the wire expando sleeve with tape or zippertubing and tape, in accordance with the alert service bulletin or Revision 1.

(B) If any discrepancy of the wire bundles is detected, prior to further flight, repair the wires, rewrap the wire bundles with new varglas layer, repair wire expando sleeve, and wrap the wire expando sleeve with tape or zippertubing and tape, in accordance with the alert service bulletin or Revision 1.

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

Issued in Renton, Washington, on February 9, 1999.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–3734 Filed 2–16–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–214–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to all British Aerospace (Jetstream) Model 4101 airplanes. That proposal would have required repetitively inspecting to detect damage of the structure associated with the engine nacelle fairing attached to the wing flaps, and repair of any damage found; drilling a new drain hole in each engine nacelle fairing; and applying a sealant to the gap between the wing flap and engine nacelle fairing. That proposal was prompted by reports of fatigue cracks found in the structure that attaches the engine nacelle fairing to the wing flaps. This new action revises the proposed AD by adding requirements to perform corrective actions for discrepancies and accomplish a modification that would terminate the repetitive inspections. This new action also would limit the applicability. The actions specified by this new proposed AD are intended to prevent such fatigue cracking, which could result in the partial or complete separation of the fairing from the wing flap, and consequent additional structural damage to the airframe and/or reduced controllability of the airplane.

DATES: Comments must be received by March 15, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 96–NM–214–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–214–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 96–NM–214–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to all British Aerospace (Jetstream) Model 4101 airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on May 14, 1997 (62 FR 26456). That NPRM would have required repetitive inspections of the structure associated with the engine nacelle fairing that is attached to the left and right flaps of the wings for damage, and repair of any damage found. That NPRM also would have required drilling a new drain hole in each engine nacelle fairing and applying a sealant to the gap between the wing flap and engine nacelle fairing. That NPRM was prompted by reports indicating that fatigue cracks were found in the structure that attaches the engine nacelle fairing to the wing flaps on the affected airplanes. That condition, if not corrected, could result in the engine nacelle fairing partially or completely separating from the wing flap, and consequent additional structural damage to the airframe and/or reduced controllability of the airplane.

Actions Since Issuance of NPRM

Since the issuance of the original NPRM, the manufacturer has issued Jetstream Alert Service Bulletin J41–A57–015, Revision 1, dated August 23, 1996, and Revision 2, dated June 30, 1997. These revisions differ in several ways from the original version of the alert service bulletin, which was referenced in the original NPRM as the appropriate source of service information for accomplishment of the inspection and repair of certain conditions. Revision 1 of the alert service bulletin adds an additional procedure to the visual inspection to detect installation of nonstandard parts (as defined in Figure 1. of the alert service bulletin) in the flap structure that attaches the flap nacelle fairing, and describes procedures for application of a certain primer to be applied in conjunction with sealant on stainless steel. Revision 2 of the alert service bulletin limits the effectivity listing to airplanes on which both Jetstream Modification JM41575B and Modification JM41575C have not been accomplished. The procedures described in Revision 1 and Revision 2 are otherwise identical to those in the original version. The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, classified these revisions of the alert service bulletin as mandatory.

The manufacturer also has issued Jetstream Service Bulletin J41–57–017, dated May 9, 1997, which describes procedures for modification of the flap structure to strengthen the attachment for the flap nacelle fairing. The modification includes installation of new inboard and outboard ribs and new land angles. Accomplishment of the modification would eliminate the need for the repetitive inspections specified in Jetstream Alert Service Bulletin J41–A57–015 (described previously). The CAA classified this alert service bulletin as optional.

Accomplishment of the actions described in the service bulletins is intended to adequately address the identified unsafe condition.

Changes to Original NPRM

The FAA concludes that, to positively address the identified unsafe condition, the original NPRM must be revised to require the accomplishment of certain actions in accordance with Revision 1 or Revision 2 of Jetstream Alert Service Bulletin J41–A57–015 because certain procedures for the inspection and primer application were added to Revision 1 and retained in Revision 2. The original NPRM also must be revised to limit the applicability to airplanes on which the terminating modification has not been accomplished in production. In addition, the original NPRM must be revised to require modification of the wing flap structure by the installation of additional flap nacelle fairing support structure on each wing flap. This supplemental NPRM would require accomplishment of the actions specified in the alert service bulletins described previously, except as discussed below.

In addition, the FAA notes that the location for the inspections and follow-on actions was inadvertently identified as ''the engine nacelle fairing.'' This proposed AD correctly identifies that location as ''the flap nacelle fairing.''

Differences Between Proposed Rule and Relevant Service Information

Operators should note that this supplemental NPRM proposes to require the modification described in Jetstream Service Bulletin J41–57–017 as terminating action for the repetitive inspections. The FAA has determined that long-term continued operational safety will be better assured by design

changes to remove the source of the problem, rather than by repetitive inspections. Long-term inspections may not provide the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous continual inspections, has led the FAA to consider placing less emphasis on inspections and more emphasis on design improvements. The proposed modification requirement is in consonance with these conditions.

Operators also should note that, although Jetstream Alert Service Bulletin J41–A57–015 specifies that the manufacturer may be contacted for disposition of certain corrective actions, this proposal would require those corrective actions to be accomplished in accordance with a method approved by either the FAA or the CAA. In light of the type of corrective actions that would be required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that, for this proposed AD, corrective actions approved by either the FAA or the CAA would be acceptable for compliance with this proposed AD.

Conclusion

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

The FAA estimates that 51 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 2 work hours per airplane to perform the detailed visual inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $6,120, or $120 per airplane, per inspection cycle.

It would take approximately 1 work hour per airplane to drill a drain hole and apply primer and sealant, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of these actions proposed by this AD on U.S. operators is estimated to be $3,060, or $60 per airplane.

It would take approximately 90 work hours per airplane to accomplish the proposed terminating modification, at an average labor rate of $60 per work hour. Required parts would cost approximately $2,658 per airplane. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be $410,958, or $8,058 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed 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 proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 draft regulatory 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, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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:

British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Docket 96–NM–214–AD.

Applicability: Model (Jetstream) Model 4101 airplanes, excluding those on which Jetstream Modifications JM41575B and JM41575C have been accomplished; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 fatigue cracking in the structure that attaches the flap nacelle fairing to the wing flaps, which could result in the partial or complete separation of the fairing from the wing flap, and consequent additional structural damage to the airframe and/or reduced controllability of the airplane, accomplish the following:

(a) Prior to the accumulation of 1,500 total hours time-in-service, or within 60 days after the effective date of this AD, whichever occurs later, accomplish the requirements of paragraphs (a)(1), (a)(2), and (a)(3) of this AD.

(1) Perform a detailed visual inspection to detect discrepancies [cracks, loose rivets and Jo-Bolts, chafing damage at the flap trailing edge, and installation of nonstandard parts (as defined in Figure 1. of Jetstream Alert Service Bulletin J41–A57–015, Revision 1, dated August 23 1996, or Revision 2, dated June 30, 1997)] and previous repairs of the flap structure that attaches the flap nacelle fairing to each wing flap; in accordance with Jetstream Alert Service Bulletin J41–A57–015, Revision 1, dated August 23, 1996, or Revision 2, dated June 30, 1997. Repeat the inspection thereafter at intervals not to exceed 1,500 hours time-in-service until the requirements of paragraph (b) of this AD have been accomplished.

(i) Except as provided by paragraph (a)(1)(ii) of this AD, if any discrepancy is found, prior to further flight, perform corrective action in accordance with Revision 1 or Revision 2 of the alert service bulletin.

(ii) If any discrepancy is found for which Revision 1 or Revision 2 of the alert service bulletin specifies to contact the manufacturer to obtain a repair scheme: Prior to further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA,

Transport Airplane Directorate; or the Civil Aviation Authority (or its delegated agent).

(2) Drill a drain hole in the flap nacelle fairing on each wing flap, in accordance with Jetstream Alert Service Bulletin J41–A57–015, dated May 27, 1996, Revision 1, dated August 23, 1996, or Revision 2, dated June 30, 1997.

(3) Apply new primer and sealant to the gap between the wing flap and flap nacelle fairing, in accordance with Jetstream Alert Service Bulletin J41–A57–015, Revision 1, dated August 23, 1996, or Revision 2, dated June 30, 1997.

(b) Within 3,000 hours time-in-service after the effective date of this AD: Modify the wing flap structure in accordance with Jetstream Service Bulletin J41–57–017, dated May 9, 1997. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements 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, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(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.

Note 3: The subject of this AD is addressed in British airworthiness directive 006–05–96.

Issued in Renton, Washington, on February 9, 1999.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–3727 Filed 2–16–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

14 CFR Part 382

[Docket OST–99–5099; Notice No: 99–2]

RIN 2105–AC77

Nondiscrimination on the Basis of Disability in Air Travel; Compensation for Damage to Wheelchairs and Other Assistive Devices

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Department is proposing to amend its rules implementing the Air Carrier Access Act of 1986 to lift an existing cap on the amount of compensation airlines would have to pay to passengers for loss or damage of their wheelchair users and other assistive devices. The proposal is intended to provide additional relief to passengers using expensive assistive devices when they are destroyed or seriously damaged in the course of airline travel.

DATES: Comments are requested by May 18, 1999. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Comments should be sent, preferably in triplicate, to Docket Clerk, Docket No. OST–99–5099, Department of Transportation, 400 7th Street, S.W., Room PL–401, Washington, D.C., 20590. Comments will be available for inspection at this address from 10:00 a.m. to 5:00 p.m., Monday through Friday, and are also viewable through the dockets link on the Department's web site (www.dot.gov). Commenters who wish the receipt of their comments to be acknowledged should include a stamped, self-addressed postcard with their comments. The Docket Clerk will date-stamp the postcard and mail it back to the commenter.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, S.W., Room 10424, Washington, D.C., 20590. (202) 366–9306 (voice); (202) 755–7687 (TDD); 202–366–9313 (fax); bob.ashby@ost.dot.gov (e-mail).

SUPPLEMENTARY INFORMATION: This NPRM concerns the issue of compensation for loss of or damage to wheelchairs or other assistive devices. The current regulation provides that

> With respect to domestic flights, carriers shall not limit liability for loss, damage or delay concerning wheelchairs or other mobility aids to any amount less than twice the liability limits established for passengers' luggage under 14 CFR Part 254. (14 CFR § 382.43(b)).

This means that carriers can refuse to pay compensation exceeding $2,500 for loss of or damage to wheelchairs or other assistive devices, given the present $1,250 liability limit for luggage that Part 254 permits carriers to impose in domestic transportation. People with disabilities have complained that this does not provide adequate compensation for the loss of or serious damage to expensive equipment, such as power wheelchairs that may cost $15,000 or more. Given that a passenger whose wheelchair is lost or seriously damaged will lose his or her mobility at the destination, people with disabilities believe that the Department should require airlines to do more, such as pay full compensation for the loss and make repair or loaner service available.

The Department considered this issue in the original Air Carrier Access Act (ACAA) rulemaking (see 55 FR 8038; March 6, 1990). In response to similar disability group comments at that time, the Department responded that requiring carriers to pay full replacement value did not sufficiently recognize the ability of passengers to purchase insurance for such expensive items. Consequently, the final rule permitted airlines to cap their liability at twice the liability limit for general baggage.

Nevertheless, the Department believes it may be useful to reopen the issue at this time. The Department believes, based on anecdotal information, that the majority of wheelchairs used in air travel are manual wheelchairs, many of which cost less than $2500. However, other travelers use power wheelchairs, which typically are stowed in checked baggage and many of which, if lost, damaged, or destroyed, could cost substantially more than $2500 to repair or replace (e.g., over $13,000 in one recent case brought to our attention). Consequently, there may be relatively few instances of wheelchair loss or damage that would be affected by the proposed rule change, limiting cost exposure to airlines. However, the proposed rule would mitigate the potentially severe financial hardship to individuals whose expensive wheelchairs are lost or damaged. We seek comment on need for raising or eliminating the current cap on carrier liability for damage to wheelchairs.

We also seek comment on whether additional regulatory guidance is necessary on how compensation should be calculated (e.g., depreciated value vs. replacement cost). In addition, the Department seeks comment on whether it is desirable and practical to include other requirements, such as a requirement that airlines provide a ''loaner'' device or ensure the repair of wheelchairs or other assistive devices that have been damaged in transit. This NPRM is intended to be a vehicle for comment on all these issues. The Department has not determined what, if any, changes to make in its rules.

In connection with this NPRM, we request that interested parties, including disability groups and airlines, provide information on the following points, which will help us to evaluate the necessity for rulemaking and the potential costs of a rule:

(1) The number of domestic passenger complaints (including letters of phone calls, ''Mishandled Baggage Reports,''