

Angeles 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, 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

(g) 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.

(h) The effective date of this amendment remains July 30, 1998.

Issued in Renton, Washington, on March 16, 1999.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-6980 Filed 3-22-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-33-AD; Amendment 39-11087; AD 99-05-04]

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) 99-05-04 that was sent previously to all known U.S. owners and operators of all EMBRAER Model EMB-145 series airplanes by individual notices.

This AD requires repetitive inspections to detect cracking or failure of the rod ends of the aileron power control actuator (PCA), and corrective actions, if necessary. This action is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct cracking or failure of the rod ends of the aileron PCA, which could result in reduced controllability of the airplane.

DATES: Effective March 29, 1999, to all persons except those persons to whom

it was made immediately effective by emergency AD 99-05-04, issued February 19, 1999, 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 March 29, 1999.

Comments for inclusion in the Rules Docket must be received on or before April 22, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-33-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: Curtis Jackson, 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) 703-6076; fax (770) 703-6097.

SUPPLEMENTARY INFORMATION: On February 19, 1999, the FAA issued emergency AD 99-05-04, which is applicable to all EMBRAER Model EMB-145 series airplanes.

The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on all EMBRAER Model EMB-145 series airplanes. The DAC advises that rod ends of the aileron power control actuator (PCA) failed on two airplanes. One rod end cracked and failed at the aileron connection point, and one at the wing connection point. Such failure of the rod ends of the aileron PCA, if not corrected, could result in reduced controllability of the airplane.

Explanation of Relevant Service Information

EMBRAER has issued Alert Service Bulletin 145-27-A054, Change 01, dated February 17, 1999, which describes

procedures for repetitive detailed visual inspections to detect cracking or failure of the rod ends of the PCA at the aileron and wing connection points, and corrective actions, if necessary. The DAC classified this alert service bulletin as mandatory and issued Brazilian airworthiness directive 1999-02-01R1, dated February 18, 1999, 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 § 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 99-05-04 to detect and correct cracking or failure of the rod ends of the aileron PCA, which could result in reduced controllability of the airplane. The AD requires repetitive detailed visual inspections to detect cracking or failure of the rod ends of the aileron PCA, and corrective actions, if necessary. The actions are required to be accomplished in accordance with the alert service bulletin described previously.

Interim Action

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

Determination of Rule's Effective Date

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 February 19, 1999, to all known U.S. owners and operators of all 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 99-NM-33-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:

99-05-04 Empresa Brasileira De Aeronautica S.A. (EMBRAER): Amendment 39-11087. Docket 99-NM-33-AD.

Applicability: All Model EMB-145 series airplanes, 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 (d) 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 detect and correct cracking or failure of the rod ends of the aileron power control actuator (PCA), which could result in reduced controllability of the airplane, accomplish the following:

Initial and Repetitive Inspections

(a) Within 24 hours (1 day) after the effective date of this AD, perform a detailed visual inspection to detect cracking or failure of the rod ends of the PCA at the aileron and wing connection points, in accordance with EMBRAER Alert Service Bulletin 145-27-A054, Change 01, dated February 17, 1999. Repeat the inspection in accordance with the alert service bulletin thereafter at intervals not to exceed 3 days or 25 flight hours, whichever occurs later.

Corrective Actions

(b) If any cracked or failed rod end is detected during any inspection performed in accordance with paragraph (a) of this AD, prior to further flight, replace the aileron PCA with a new part having the same part number, in accordance with EMBRAER Alert Service Bulletin 145-27-A054, Change 01, dated February 17, 1999.

Reporting Requirement

(c) Within 10 days after the replacement of any aileron PCA in accordance with paragraph (b) of this AD, submit a report of the cracked or failed rod end to the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; fax (770) 703-6097. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

Alternative Methods of Compliance

(d) 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 ACO. 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.

Special Flight Permits

(e) 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

(f) Except as provided by paragraph (c) of this AD, the actions shall be done in accordance with EMBRAER Alert Service Bulletin 145-27-A054, Change 01, dated February 17, 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 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 ACO, 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 1999-02-01R1, dated February 18, 1999.

(g) This amendment becomes effective on March 29, 1999, to all persons except those persons to whom it was made immediately effective by emergency AD 99-05-04, issued February 19, 1999, which contained the requirements of this amendment.

Issued in Renton, Washington, on March 16, 1999.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 99-6981 Filed 3-22-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Parts 31, 39, 111, 112, 115, 140, 151, 152, 160, 162, 226, 256, 273, 275 and 276

RIN 1076-AD88

Correction of Codification Errors in 25 CFR

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Technical correction.

SUMMARY: The Bureau of Indian Affairs is publishing this rule at the request of the Office of the Federal Register to correct several technical errors at various locations in 25 CFR. The errors include incorrect cross references and incorrect paragraph designations. None of the corrections will affect the substance of any provision in 25 CFR.

EFFECTIVE DATE: This rule is effective on March 23, 1999.

ADDRESSES: Mail comments to Laura Cloud, Bureau of Indian Affairs, 1849 C Street NW, MS 4657-MIB, Washington, D.C. 20240. Comments may be hand delivered to the same address from 9:00 a.m. to 4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: John Strylowski, Office of Regulatory Affairs, at 202-208-3071 or e-mail john_strylowski@ios.doi.gov.

SUPPLEMENTARY INFORMATION: The Office of the Federal Register has asked the Department of the Interior to correct technical errors at various locations in 25 CFR. These errors are of three kinds.

First, there are errors in designating paragraphs (for example, a section may have more than one paragraph designated as "(g)"). Second, there are erroneous cross references. For example, there are currently several citations in 25 CFR to parts 174 and 261, both of which have been removed from 25 CFR. Finally, two previous corrections to part 226 were incorrectly worded, resulting in changes not being made. The affected sections are §§ 226.21(f) and 226.25(b). BIA published corrections to these sections in a final rule on August 14, 1990, at 55 FR 33112. The Office of the Federal Register has inserted editorial notes into 25 CFR to explain the corrections that BIA requested and the reasons that they could not be made. The document we are publishing today will ensure that the corrections are made properly so that the Office of the Federal Register can remove the editorial notes.

In order to make some of the changes, we have had to rewrite small portions of the text. An example of this is the definition of the term "standard housing" in § 256.2. The rewrite was necessary in this case because in order to change the designations within the definition we had to change the original wording. We have carefully reworded each rewrite to preserve the original meaning.

Because these changes are technical and do not affect the substance of 25 CFR, we are publishing this rule as a final rule with no opportunity for public comment. We are doing this in accordance with the provisions of 5 U.S.C. 553(b)(3)(B), which provides that an agency need not publish a proposed rule if it finds that doing so would be "impracticable, unnecessary, and contrary to the public interest." Since delaying the effective date of these corrections through use of the normal rulemaking process would be contrary to the public interest, we are publishing these changes as a final rule.

Regulatory Planning and Review (E.O. 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule does not raise novel legal or policy issues.

Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because it makes technical changes that do not affect the substance of the rules there is no economic effect at all, other than to improve the utility of the rules for users.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of \$100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (1 U.S.C. 1531, *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with Executive Order 12630, the rule does not have significant takings implications.

Federalism (E.O. 12612)

In accordance with Executive Order 12630, the rule does not have significant takings implications.

Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.