

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-265-AD; Amendment 39-11100; AD 99-02-18 R1]

RIN 2120-AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This amendment corrects information in an existing airworthiness directive (AD), applicable to certain EMBRAER Model EMB-120 series airplanes, that currently requires removing the thermal insulating blankets from the upper rear nacelle structure; re-positioning the engine exhaust duct; and replacing the engine exhaust bracket with a new engine exhaust bracket, if necessary. For certain airplanes, that amendment also currently requires installing new stainless steel plates onto the upper rear nacelle structure. The actions specified in that AD are intended to prevent fretting of the titanium thermal insulating blankets, which could result in an increased risk of fire in the engine exhaust duct of the tail pipe. This amendment corrects the requirements of the existing AD by correcting affected spare part numbers of thermal insulating blankets. This amendment is prompted by review of the requirements of the existing AD.

DATES: Effective March 3, 1999.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of March 3, 1999 (64 FR 4029, January 27, 1999).

FOR FURTHER INFORMATION CONTACT:

Linda M. Haynes, 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) 703-6091; fax (770) 703-6097.

SUPPLEMENTARY INFORMATION: On January 15, 1999, the FAA issued AD 99-02-18, amendment 39-11012 (64 FR 4029, January 27, 1999), which is applicable to certain EMBRAER Model EMB-120 series airplanes. That AD requires removing the thermal insulating blankets from the upper rear

nacelle structure; re-positioning the engine exhaust duct; and replacing the engine exhaust bracket with a new engine exhaust bracket, if necessary. For certain airplanes, that AD also requires installing new stainless steel plates onto the upper rear nacelle structure. That action was prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions required by that AD are intended to prevent fretting of the titanium thermal insulating blankets, which could result in an increased risk of fire in the engine exhaust duct of the tail pipe.

As published, paragraph (d) of AD 99-02-18 contained two incorrect references to spare part numbers of thermal insulating blankets. The first incorrect reference was a typographical error that identified spare part number "120035413-001" as one of the blankets that, as of the effective date of the AD, shall not be installed on any airplane. That part number does not exist. The correct part number is identified in EMBRAER Service Bulletin S.B. 120-54-0035, Change 02, dated May 29, 1998 (which was referenced as the appropriate source of service information for accomplishment of the required actions) as "120-35413-001."

The second incorrect reference identified a spare part number (i.e., "120-35411-002") that does exist, but corresponds to a thermal insulating blanket that is not subject to the identified unsafe condition of the AD. The correct spare part number is identified in the referenced service bulletin as "120-35413-002." Therefore, this action revises paragraph (d) of the AD to reference the correct spare part numbers identified above.

Action is taken herein to correct these requirements of AD 99-02-18 and to correctly add the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The final rule is being reprinted in its entirety for the convenience of affected operators. The effective date remains March 3, 1999.

Since this action only corrects a current requirement, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Correction

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 removing amendment 39-11012 (64 FR 4029, January 27, 1999), and by adding a new airworthiness directive (AD), amendment 39-11100, to read as follows:

99-02-18 R1 Empresa Brasileira de Aeronautica S.A. (EMBRAER):

Amendment 39-11100. Docket 98-NM-265-AD. Revises AD 99-02-18, Amendment 39-11012.

Applicability: Model EMB-120 series airplanes, serial numbers (S/N) 120003, 120004, and 120006 through 120336 inclusive; 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 (e) 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 fretting of the titanium thermal insulating blankets, which could result in an increased risk of fire in the engine exhaust duct of the tail pipe, accomplish the following:

(a) For airplanes identified in "Part I" of the effectivity listing of EMBRAER Service Bulletin S.B. 120-54-0035, Change 02, dated May 29, 1998: Within 2,400 flight hours after the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) in accordance with the service bulletin.

(1) Remove the thermal insulating blankets from the upper rear nacelle structure.

(2) Install new stainless steel plates onto the upper rear nacelle structure.

(b) For airplanes identified in "Part II" of the effectivity listing of EMBRAER Service Bulletin S.B. 120-54-0035, Change 02, dated May 29, 1998: Within 2,400 flight hours after the effective date of this AD, remove the thermal insulating blankets from the upper rear nacelle structure in accordance with the service bulletin.

(c) For all airplanes: Prior to further flight following accomplishment of either paragraph (a) or (b) of this AD, as applicable,

re-position the engine exhaust duct with the use of shims in accordance with EMBRAER Service Bulletin S.B. 120-54-0035, Change 02, dated May 29, 1998. If it is not possible to re-position the engine exhaust duct with the use of shims as specified in the service bulletin, prior to further flight, replace the rear exhaust duct bracket with a new rear exhaust duct bracket, in accordance with the "Note" in paragraph 1.3.1.1 of the Planning section of the service bulletin.

(d) As of the effective date of this AD, no person shall install on any airplane a thermal insulating blanket having part number (P/N) 120-35411-025, -035, -036, 120-35413-001, or 120-35413-002.

(e) 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, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia. 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.

(f) 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.

(g) The actions shall be done in accordance with EMBRAER Service Bulletin S.B. 120-54-0035, Change 02, dated May 29, 1998. This incorporation by reference was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of March 3, 1999 (64 FR 4029, January 27, 1999). 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.

(h) The effective date of this amendment remains March 3, 1999.

Issued in Renton, Washington, on March 23, 1999.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 99-7689 Filed 3-29-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 255

[Docket No. OST-99-5132]

RIN 2105-AC75

Second Extension of Computer Reservations Systems Regulations

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Department is revising its rules governing airline computer reservations systems (CRSs) to change the rules' expiration date for a second time. This revision changes the date from March 31, 1999, to March 31, 2000, to keep the rules from terminating on March 31, 1999. The rules will thus remain in effect while the Department continues out its reexamination of the need for CRS regulations. The Department finds that the current rules should be maintained because they are necessary for promoting airline competition and helping to ensure that consumers and their travel agents can obtain complete and accurate information on airline services. The Department previously extended the rules from December 31, 1997, to March 31, 1999.

DATES: This rule is effective on March 31, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Ray, Office of the General Counsel, U.S. Department of Transportation, 400 Seventh St. SW., Washington, DC 20590, (202) 366-4731.

SUPPLEMENTARY INFORMATION: Our CRS rules have always had an expiration date to ensure that we would periodically review the need for the rules and their effectiveness. In a 1997 rulemaking we changed the rules' expiration date from the original sunset date, December 31, 1997, to March 31, 1999. 62 FR 66272 (December 18, 1997).

We will not be able to complete our reexamination of the current rules by March 31, 1999. Because we believed that the current rules should be maintained pending our reexamination of the need for rules, we proposed to change the rules' expiration date to March 31, 2000, and gave interested persons an opportunity to comment on that proposal. 64 FR 9457 (February 26, 1999). We received comments from Amadeus Global Travel Distribution, Worldspan, the Association of Asia Pacific Airlines, and America West Airlines, all of which supported the proposal, as did Southwest Airlines, which filed a late reply.

Background

As explained in our notice proposing to revise the rules' expiration date, we have found that CRS rules are necessary to protect airline competition and to ensure that consumers can obtain accurate and complete information on airline services. 64 FR 9458-9459. CRSs have become essential for the marketing of airline services for almost all airlines operating in the United States, and market forces do not discipline the price and quality of service offered airlines by the CRSs. Travel agents rely on CRSs to provide airline information and bookings for their customers, and almost all airlines receive most of their bookings from travel agencies. The travel agencies' typical exclusive or predominant use of one system compels each airline to participate in an agency's system if it wishes to have its services readily saleable by that agency. Each system, moreover, is controlled by airlines or airline affiliates, who could use them to unreasonably prejudice the competitive position of other airlines or to provide misleading or inaccurate information to travel agents and their customers. For these reasons, we adopted rules regulating CRS operations in the United States, 57 FR 43780 (September 22, 1992). 64 FR 9458-9459.

Our rules included a sunset date, December 31, 1997, to ensure that we would reexamine whether the rules remained necessary and whether they were effective. 57 FR 43829-43830 (September 22, 1992). We have begun a reexamination of our current rules by publishing an advance notice of proposed rulemaking that invited interested persons to comment on whether we should readopt the rules and, if so, with what changes. 62 FR 47606 (September 10, 1997). Almost all of the parties responding to our advance notice of proposed rulemaking have urged us to maintain CRS rules, although these parties also argued that various changes should be made to the rules, mostly to strengthen them. 64 FR 9458.

Our Proposed Extension of the CRS Rules

Our inability to complete our reexamination of the rules by the original sunset date, December 31, 1997, caused us to change the sunset date to March 31, 1999. 62 FR 66272 (December 18, 1997).

We proposed again to change the expiration date for the rules to March 31, 2000, so that they would remain in effect pending our reexamination of our rules, since we could not complete that reexamination by March 31, 1999. 64 FR