implement the requirements of the Cash Management Improvement Act of 1990. However, State agencies will not incur an interest liability to the Federal government on rebate funds for infant formula or other foods, *provided* that all interest earned on such funds is used for program purposes.

* * * * *

8. In § 246.16, paragraphs (a)(6) and (b)(3)(i) are revised to read as follows:

§ 246.16 Distribution of funds.

(a) * * *

(6) Up to one-half of 1 percent of the sums appropriated for each fiscal year, not to exceed $5,000,000 shall be available to the Secretary for the purpose of evaluating program performance, evaluating health benefits, providing technical assistance to improve State agency administrative systems preparing the biennial Participation Report to Congress described in § 246.25(b)(3), and administering pilot projects, including projects designed to meet the special needs of migrants, Indians, rural populations, and to carry out technical assistance and research evaluation projects of this program and the WIC Farmers' Market Nutrition Program.

(b) * * *

(3) * * *

(i) Not more than 1 percent of the amount of funds allocated to a State agency for supplemental foods for a fiscal year may be expended by the State agency for food costs incurred in the preceding fiscal year. FNS may authorize a State agency to expend not more than 3 percent of the amount of funds allocated to the State agency for supplemental foods for a fiscal year for expenses incurred for supplemental foods during the preceding fiscal year, if FNS determines that there has been a significant reduction in infant formula cost containment savings that affected the State agency's ability to at least maintain its participation level;

* * * * *

Dated: November 14, 1998.

Shirley R. Watkins,

Under Secretary for Food, Nutrition, and Consumer Services.

[FR Doc. 98–30753 Filed 11–17–98; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–141–AD; Amendment 39–10888; AD 98–24–01]

RIN 2120–AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace (Jetstream) Model 4101 airplanes, that requires repetitive detailed visual inspections to detect cracking or other damage of certain diaphragm support structures of the forward equipment compartment; and repair, if necessary. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct failure of the two diaphragms that support the upper structure of the forward equipment compartment, which could accelerate fatigue damage in adjacent structure and result in reduced structural integrity of the airframe.

DATES: Effective December 23, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 23, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. 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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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: 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 British Aerospace (Jetstream) Model 4101 airplanes was published in the **Federal Register** on January 8, 1998 (63 FR 1074). That action proposed to require repetitive detailed visual inspections to detect cracking or other damage of certain diaphragm support structures of the forward equipment compartment; and repair, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Allow Flight With Known Cracks

One commenter, the manufacturer, requests that the proposed AD be revised to allow operators to continue operation of an unrepaired airplane for up to 300 flight cycles following detection of cracking of certain diaphragm support structures of the forward equipment compartment. The commenter states that, during full-scale fatigue testing, failure of both diaphragms occurred, and the test continued for another 24,000 flight cycles before either of the diaphragms was replaced. The commenter further states that, during the period between detection of the cracking and replacement of the diaphragms, no damage was detected that would cause concern regarding the structural integrity of the airplane. In light of these fatigue testing data, the commenter notes that the compliance time of 300 flight cycles after detection of cracking, as specified in the service bulletin, is already a very conservative threshold.

The FAA does not concur. It is the FAA's policy to require repair of known cracks prior to further flight, except in certain cases of unusual need, as discussed below.

This policy is based on the fact that such damaged airplanes do not conform to the FAA-certificated type design and, therefore, are not airworthy until a properly approved repair is incorporated. The FAA's policy regarding flight with known cracks does allow deferral of repairs in certain cases, if there is an unusual need for a temporary deferral. Unusual needs include such circumstances as legitimate difficulty in acquiring parts to accomplish repairs. Because the FAA is not aware of any unusual need for repair deferral in regard to this AD, the FAA has determined that any subject diaphragm that is found to be cracked must be repaired prior to further flight in accordance with a method approved by the FAA. However, operators may request approval of an alternative method of compliance if data are

provided to substantiate that such a method would provide an acceptable level of safety.

Request To Remove Requirement for Repetitive Inspections After Repair

One commenter, the manufacturer, requests that the requirement to continue the repetitive inspections following the installation of an improved diaphragm be removed from the proposal. The commenter states that, during full-scale fatigue testing, no new cracking of the diaphragms was detected following repair of the diaphragms until 65,700 total flight cycles. Based on these data, the commenter states that an inspection threshold of 20,000 landings after installation of a new diaphragm, and a repetitive inspection interval thereafter of 6,000 landings, would be adequate to ensure that any cracking would be detected in a timely manner. The commenter further states that such an inspection threshold and repetitive interval will be added to the Airworthiness Limitations specified in Chapter 5 of the Jetstream 4100 Airplane Maintenance Manual (AMM).

The FAA does not concur with the commenter's request to remove the requirement for repetitive inspections of the diaphragm following replacement. First, the commenter implies that an improved diaphragm is available; however, the FAA is not aware of any such improved part. Further, the lack of specific data in the service bulletin regarding the repair prevents the FAA from determining whether elimination of the repetitive inspection requirement is warranted. Also, though the FAA acknowledges the manufacturer's intent to incorporate a program of repetitive inspections into the Airworthiness Limitations specified in Chapter 5 of the AMM, the FAA would have to engage in further rulemaking in order to require such an inspection program.

Although the FAA does not concur with the request to remove the repetitive inspection requirement following accomplishment of a repair, paragraph (b) of this AD contains a provision for requesting approval of an alternative method of compliance to address operators' unique circumstances. In accordance with paragraph (b) of this AD, an operator may submit a repair method, along with a proposed repetitive inspection program or data to support elimination of the repetitive inspection requirement, for consideration by the FAA. No change to the final rule is necessary.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Interim Action

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

Cost Impact

The FAA estimates that 55 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $3,300, or $60 per airplane, per inspection cycle.

The cost impact figure discussed above is 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:

98–24–01 British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited British Aerospace (Commercial Aircraft) Limited]: Amendment 39–10888. Docket 97–NM–141–AD.

Applicability: Jetstream Model 4101 airplanes, constructors numbers 41004 through 41098 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 (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 detect and correct failure of the two diaphragms that support the upper structure of the forward equipment compartment, which could accelerate fatigue damage in adjacent structure and result in reduced structural integrity of the airframe, accomplish the following:

(a) Prior to the accumulation of 4,500 total landings, or within 300 landings after the effective date of this AD, whichever occurs later: Perform a detailed visual inspection to detect cracking or other damage of the diaphragms installed between station 4 and station 8 of the forward fuselage, in accordance with Jetstream Alert Service Bulletin J41–A53–023, dated December 2, 1996.

(1) If no cracking or other damage is detected, repeat the inspection thereafter at intervals not to exceed 3,000 landings.

(2) If any cracking or other damage is detected, prior to further flight, repair the diaphragm in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Thereafter, repeat the inspection at intervals not to exceed 3,000 landings.

(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,

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.

(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 inspections shall be done in accordance with Jetstream Alert Service Bulletin J41–A53–023, dated December 2, 1996. 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 AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; 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 British airworthiness directive 007–12–96.

(e) This amendment becomes effective on December 23, 1998.

Issued in Renton, Washington, on November 9, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–30536 Filed 11–17–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AWP–21]

Revision of Class D Airspace; San Diego-Gillespie Field, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises the Class D airspace area at San Diego-Gillespie Field, CA by lowering the ceiling from 2,900 feet Mean Sea Level (MSL) to 2,400 feet MSL. The proposed modification of the San Diego, CA, Class B airspace area would create a narrow 300 foot corridor northeast of Gillespie Field. This corridor would reduce the available airspace for aircraft that are approaching or overflying Gillespie Field from the northeast. Lowering the Gillespie Field Class D airspace ceiling will create an 800 foot corridor along this same route, thereby increasing navigable airspace for aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: The direct final rule published at 63 FR 50140 is effective 0901 UTC, December 31, 1998.

ADDRESSES: Send comments on the direct final rule confirmation date in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 98–AWP–21, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Debra Trindle, Air Traffic Division, Airspace Specialist, AWP–520.10, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6613.

SUPPLEMENTARY INFORMATION: On September 21, 1998, the FAA published in the **Federal Register** a direct final rule; request for comments, which revised the Class D airspace at San Diego-Gillespie Field, CA by lowering the ceiling of the Class D from 2,900 feet Mean Sea Level (MSL) to 2,400 feet MSL. (FR Document 98–25208, 63 FR 50140, Airspace Docket No. 98–AWP–21). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on December 31, 1998. No adverse comments were received; therefore this document confirms that this direct final rule will become effective on that date.

Issued in Los Angeles, California, on October 30, 1998.

John G. Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 98–30792 Filed 11–17–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AWP–20]

Revision of Class E Airspace, San Diego, North Island NAS, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises the Class E airspace area at San Diego North Island NAS, (NZY), CA.

DATES: The direct final rule published in 63 FR 46166 is effective at 0901 UTC, December 3, 1998.

FOR FURTHER INFORMATION CONTACT: Debra Trindle, Air Traffic Division, Airspace Specialist, AWP–520.10, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (310) 725–6613.

SUPPLEMENTARY INFORMATION: On August 31, 1998, the FAA published in the **Federal Register** a direct final rule; request for comments, which revised the Class E airspace area at NZY, CA. (FR Document 98–23367, 63 FR 46166, Airspace Docket No. 98–AWP–20). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on December 3, 1998. No adverse comments were received, therefore this document confirms that this direct final rule will become effective on that date.

Issued in Los Angeles, California on October 27, 1998.

John G. Clancy,

Manager, Air Traffic Division, Western Pacific Region.

[FR Doc. 98–30790 Filed 11–17–98; 8:45 am]

BILLING CODE 4910–13–M