To ensure that the flight crew is aware of the emergency procedures associated with an engine fire, or with a rear compartment fire or overheat conditions, and to prevent fire from spreading throughout the airplane, accomplish the following:

(a) Within 7 days after the effective date of this AD, revise the Limitations Section and Emergency Procedures Section of the FAA-approved Airplane Flight Manual (AFM) by accomplishing the action specified in either paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) For Model Mystere-Falcon 20 series airplanes: Insert a copy of Dassault 731 Falcon Retrofit 20 Airplane Flight Manual DTM30528, Revision 10, dated January 20, 1998, into the AFM.

(2) For Model Fan Jet Falcon series airplanes and Model Fan Jet Falcon Series D, E, and F series airplanes: Insert a copy of the Dassault Fan Jet Falcon Airplane Flight Manual DTM589/590/591/592, Revision 49, dated January 20, 1998, into the AFM.

(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, FAA, Transport 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, International Branch, ANM–116.

Note 1: 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 AFM revision shall be done in accordance with Dassault Fan Jet Falcon Airplane Flight Manual DTM589/590/591/592, Revision 49, dated January 20, 1998; or Dassault 731 Falcon Retrofit 20 Airplane Flight Manual DTM30528, Revision 10, dated January 20, 1998; as applicable, which contain the following list of effective pages:

AFM revision referenced and date	Page No.	Revision level shown on page
DTM589/590/591/592	Falcon 20, 20D, 20E, 20F, Title Pages	49
Revision 49, January 20, 1998	.....	.....
	Table of Contents, Pages 1, 2	49
	Section 2, sub-section 01, Pages 1–6	49
DTM30528	List of Effective Pages	10
Revision 10, January 20, 1998	Pages 1–22	10

(**Note:** The issue date of Revision 49 of DTM589/590/591/592, and Revision 10 of DTM30528 is indicated only on the Title Page; no other page of the document is dated.)

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 Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, New Jersey 07606. 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 2: The subject of this AD is addressed in French airworthiness directive 98–114–023(B), dated March 11, 1998.

(e) This amendment becomes effective on January 22, 1998.

Issued in Renton, Washington, on December 11, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–33390 Filed 12–17–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–06–AD; Amendment 39–10949; AD 98–26–09]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 Series Airplanes, and C–9 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC9–10, –20, –30, –40, and –50 series airplanes, and C–9 (military) airplanes, that requires a one-time visual inspection to determine if the doorstops and corners of the doorjamb of the forward passenger door have been modified, various follow-on repetitive inspections, and modification, if necessary. This amendment is prompted by reports of fatigue cracks found in the fuselage skin and doubler at the corners and doorstops of the doorjamb of the forward passenger door. The actions specified by this AD are intended to detect and correct such fatigue cracking, which could result in rapid decompression of the fuselage and consequent reduced structural integrity of the airplane.

DATES: Effective January 22, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 22, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). 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 FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Wahib Mina, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5324; fax (562) 627–5210.

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 McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 series airplanes, and C–9 (military) airplanes was published in the **Federal Register** on April 20, 1998 (63 FR 19423). That action proposed to require a one-time visual inspection to determine if the doorstops and corners of the doorjamb of the forward passenger door have been modified, various follow-on repetitive inspections, and modification, 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.

Support for the Proposal

One commenter supports the proposed rule.

Request To Withdraw Proposed Rule

One commenter states that, while it has found cracking in the area of the forward passenger door doorjamb over the past 15 years, findings have tapered off. The commenter has found cracking through its FAA-approved maintenance program, and continues to monitor the area through that program. The commenter has not found a crack in the area adjacent to a modified doorjamb. The area is not hidden and is presently inspected at each ''C'' check. The commenter believes the forward passenger door doorjamb is being maintained at a safe level without the need of ''an AD note.''

The FAA infers from these remarks that the commenter requests the proposed rule be withdrawn. The FAA does not concur. Based on fatigue and damage tolerance analyses of cracked forward passenger door doorjambs conducted by the manufacturer, the FAA finds that issuance of this final rule is necessary to ensure an adequate level of safety for the affected fleet.

Request To Extend Compliance Time

The same commenter requests that the FAA extend the proposed compliance time for inspections of previously modified doorjams from 3,000 to 3,500 landings. The commenter indicates that this increase would help bridge the inspection requirements into its maintenance program. The commenter states that an added 500 landings will not cause the condition of the doorjamb to develop into an unsafe condition with the doorjamb modified previously. The commenter adds that since the proposed grace period for the initial (one-time visual) inspection is 3,575 landings, the compliance time for inspections of modified doorjambs should not be any different.

The FAA concurs with the commenter's request. Following careful consideration of this comment, and in light of the commenter's statement that no cracking has been found in the area adjacent to a modified doorjamb during ''C'' check inspections, the FAA considers that an extension of the repetitive inspection interval to 3,500 landings will not compromise safety. Paragraphs (c)(1) and (d) of this final rule have been revised accordingly.

Request To Revise Inspection Intervals

Another commenter requests that the proposed initial inspection intervals be changed to correspond with those presently in the DC–9 Supplemental Inspection Document (SID) program u—3 that is, initial inspections should be required within a 3-year interval after the effective date of the AD or prior to the accumulation of 48,000 total landings, whichever occurs later, and repetitive intervals should remain at 3,575 landings.

The FAA does not concur. The FAA has determined that cracking of the forward passenger door doorjamb is fatigue related. The initial and repetitive inspection intervals were calculated based on fatigue and damage tolerance analyses. The FAA considers that revising the compliance time as suggested by the commenter will not address the identified unsafe condition in a timely manner.

Request To Revise DC–9 SID Program

One commenter requests that, prior to issuance of the final rule, the DC–9 SID program be revised to eliminate the inspection requirements of the SID in the area addressed by this proposed AD. The commenter states that such revision will eliminate confusion between the SID program and this proposed AD.

The FAA does not concur that the SID program should be revised prior to issuance of this final rule. The actions required by this AD area necessary to detect and correct the identified unsafe condition. Following issuance of the final rule, the manufacturer may revise the DC–9 SID program. However, to eliminate any confusion between this AD and the SID program, the FAA has added a new paragraph (f) to this final rule to specify that accomplishment of the actions required by this AD constitutes terminating action for the requirements of AD 96–13–03, amendment 39–9671 (61 FR 31009, June 19, 1996), for the affected PSE. Since this new paragraph is being added, the FAA has removed ''NOTE 4'' of the proposed AD since it is no longer necessary.

Request To Revise Paragraph (e) of the Proposed Rule

One commenter requests that paragraph (e) of the proposed rule be revised to require that, if the visual inspection required by paragraph (a) of the AD reveals that the doorstops and corners of the forward passenger door doorjamb have been modified previously in accordance with FAA-approved repairs other than those specified in the DC–9 Structural Repair Manual (SRM) or Service Rework Drawing, prior to further flight, an initial low frequency eddy current (LFEC) inspection of the fuselage skin adjacent to the repair should be accomplished. If no cracks are detected, repair should be required within 6 months; if any crack is detected, repair should be required prior to further flight. [As proposed, paragraph (e) requires that operators repair, prior to further flight, in accordance with a method approved by the FAA if the visual inspection required by paragraph (a) of the AD reveals that the doorstops and corners of the forward passenger door doorjamb have been modified previously, but not in accordance with the McDonnell Douglas DC–9 SRM or the Service Rework Drawing.]

The commenter states that, as proposed, the requirement will cause an unnecessary operational impact since FAA-approved, non-standard SRM repairs are known to exist in this area of the doorstops and corners. The commenter indicates that obtaining approval for such repairs prior to further flight will be time consuming and will result in an unwarranted, extended groundtime for affected airplanes. The commenter believes that its recommendation will ensure that an equivalent level of safety is maintained while minimizing the operational impact to operators. The commenter adds that this will allow ample time to document and submit the repair to the manufacturer for a damage tolerance review and subsequent approval by the FAA.

The FAA does not concur with the commenter's request. The FAA, in conjunction with the manufacturer, has conducted further analysis concerning this issue. The FAA has determined that previous repairs of the forward passenger door doorjamb that were not accomplished in accordance with the DC–9 SRM or Service Rework Drawing, or that were not approved by the FAA, are not considered to be FAA-approved repairs; accomplishment of the initial LFEC inspection of the fuselage skin adjacent to those existing repairs would not detect any crack under the repairs.

Because cracking under the repairs could grow rapidly once it emerges from under the repairs, the FAA does not consider that an acceptable level of safety can be assured simply by determining that cracking has not yet emerged from under the repairs. Therefore, any doorjambs that were modified previously in accordance with non-FAA-approved repairs must be repaired prior to further flight in accordance with a method approved by the FAA.

Request To Revise Cost Impact Information

One commenter states that the FAA has underestimated the cost impact of the proposed AD. The commenter indicates that the proposed low frequency eddy current or high frequency eddy current inspection will require a minimum of 4 work hours per airplane for setup, accomplishment, and teardown. Additionally, the commenter believes that the full modification will require approximately 500 to 600 work hours per airplane.

The FAA concurs partially. The manufacturer has advised the FAA that the modification will require approximately 30 work hours, as estimated in the proposed AD. No change to the final rule has been made in this regard. However, the manufacturer indicates that the eddy current inspection will require approximately 1.5 work hours per airplane. In light of this information, the FAA has revised the cost impact information, below, to specify that approximately 2 work hours per airplane will be required to accomplish the inspection, as necessary.

Change to Service Bulletin Citation

Since the issuance of the proposed rule, the FAA has reviewed and approved McDonnell Douglas Service Bulletin DC9–53–280, Revision 01, dated July 30, 1998. This revision of the service bulletin is essentially identical to the original issue, which was cited in the proposed AD as the appropriate source of service information for accomplishment of the actions specified in the AD. Revision 01 simply deletes from the effectivity of the service bulletin Model MD–80 series airplanes that are not affected. This revision also changes the lead time for availability of kits to 150 days. This final rule has been revised to include Revision 01 of the service bulletin as an additional source of service information.

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 with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 1,001 airplanes of the affected design in the worldwide fleet. The FAA estimates that 656 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 visual inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the visual inspection of this AD on U.S. operators is estimated to be $39,360, or $60 per airplane.

Should an operator be required to accomplish the LFEC or x-ray inspection, it will take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of any necessary LFEC or x-ray inspection specified in this AD on U.S. operators is estimated to be $60 per airplane, per inspection cycle.

Should an operator be required to accomplish the HFEC inspection, it will take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of any necessary HFEC inspection specified in this AD on U.S. operators is estimated to be $120 per airplane, per inspection cycle.

Should an operator be required to accomplish the modification, it will take approximately 30 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately between $490 and $1,775 per airplane, depending on the service kit purchased. Based on these figures, the cost impact of any necessary modification specified in this AD on U.S. operators is estimated to be between $2,290 and $3,575 per airplane.

The cost impact figures discussed above are 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:

98–26–09 McDonnell Douglas: Amendment 39–10949. Docket 98–NM–06–AD.

Applicability: Model DC–9–10, –20, –30, –40, and –50 series airplanes, and C–9 (military) airplanes, as listed in McDonnell Douglas Service Bulletin DC9–53–280, Revision 01, dated July 30, 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 (g) 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 fatigue cracking in the doorstops and corners of the doorjamb of the forward passenger door, which could result in rapid decompression of the fuselage and consequent reduced structural integrity of the airplane, accomplish the following:

Note 2: Where there are differences between the service bulletin and the AD, the AD prevails.

Note 3: The words ''repair'' and ''modify/modification'' in this AD and the referenced service bulletin are used interchangeably.

(a) Prior to the accumulation of 48,000 total landings, or within 3,575 landings after the effective date of this AD, whichever occurs later, perform a one-time visual inspection to determine if the doorstops and corners of the forward passenger door doorjamb have been modified. Perform the inspection in accordance with McDonnell Douglas Service Bulletin DC9–53–280, dated December 1, 1997, or Revision 01, dated July 30, 1998,

(b) For airplanes identified as Group 1 in McDonnell Douglas Service Bulletin DC9–53–280, Revision 01, dated July 30, 1998: If the visual inspection required by paragraph (a) of this AD reveals that the doorstops and corners of the forward passenger door doorjamb *have not been modified*, prior to further flight, perform a low frequency eddy current (LFEC) or x-ray inspection to detect cracks at all corners and doorstops of the forward passenger door doorjamb, in accordance with McDonnell Douglas Service Bulletin DC9–53–280, dated December 1, 1997, or Revision 01, dated July 30, 1998.

(1) Group 1, Condition 1. If no crack is detected during any LFEC or x-ray inspection required by paragraph (b) of this AD, accomplish the requirements of either paragraph (b)(1)(i) or (b)(1)(ii) of this AD, in accordance with the service bulletin.

(i) *Option 1.* Repeat the LFEC inspection required by this paragraph thereafter at intervals not to exceed 3,575 landings, or the x-ray inspection required by this paragraph thereafter at intervals not to exceed 3,075 landings; or

(ii) *Option 2.* Prior to further flight, modify the doorstops and corners of the forward passenger door doorjamb, in accordance with the service bulletin. Prior to the accumulation of 28,000 landings after accomplishment of the modification, perform a high frequency eddy current (HFEC) inspection to detect cracks on the skin adjacent to the modification, in accordance with the service bulletin.

(A) If no crack is detected on the skin adjacent to the modification during any HFEC inspection required by paragraph (b)(1)(ii) of this AD, repeat the HFEC inspection thereafter at intervals not to exceed 20,000 landings.

(B) If any crack is detected on the skin adjacent to the modification during any HFEC inspection required by paragraph (b)(1)(ii) of this AD, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(2) Group 1, Condition 2. If any crack is found during any LFEC or x-ray inspection required by paragraph (b) of this AD, and the crack is 0.50 inch or less in length: Prior to further flight, modify the doorstops and corners of the forward passenger door doorjamb in accordance with the service bulletin. Prior to the accumulation of 28,000 landings after accomplishment of the modification, perform a HFEC inspection to detect cracks on the skin adjacent to the modification, in accordance with the service bulletin.

(i) If no crack is detected on the skin adjacent to the modification during any HFEC inspection required by paragraph (b)(2) of this AD, repeat the HFEC inspection thereafter at intervals not to exceed 20,000 landings.

(ii) If any crack is detected on the skin adjacent to the modification during any HFEC inspection required by paragraph (b)(2) of this AD, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(3) Group 1, Condition 3. If any crack is found during any LFEC or x-ray inspection required by paragraph (b) of this AD, and the crack is greater than 0.5 inch in length: Prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(c) Group 2, Condition 1. For airplanes identified as Group 2 in McDonnell Douglas Service Bulletin DC9–53–280, Revision 01, dated July 30, 1998: If the visual inspection required by paragraph (a) of this AD reveals that the doorstops and corners of the forward passenger door doorjamb have been modified previously in accordance with the McDonnell Douglas DC–9 Structural Repair Manual (SRM), using a steel doubler, accomplish either paragraph (c)(1) or (c)(2) of this AD in accordance with McDonnell Douglas Service Bulletin DC9–53–280, dated December 1, 1997, or Revision 01, dated July 30, 1998.

(1) *Option 1.* Prior to the accumulation of 28,000 landings after accomplishment of the modification, or within 3,500 landings after the effective date of this AD, whichever occurs later, perform a HFEC inspection to detect cracks on the skin adjacent to the modification, in accordance with the service bulletin.

(i) If no crack is detected on the skin adjacent to the modification during any HFEC inspection required by paragraph (c)(1) of this AD, repeat the HFEC inspection thereafter at intervals not to exceed 20,000 landings.

(ii) If any crack is detected on the skin adjacent to the modification during any HFEC inspection required by paragraph (c)(1) of this AD, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(2) *Option 2.* Prior to further flight, modify the doorstops and corners of the forward passenger door doorjamb in accordance with the service bulletin. Prior to the accumulation of 28,000 landings after the accomplishment of the modification, perform a HFEC inspection to detect cracks on the skin adjacent to the modification, in accordance with the service bulletin.

(i) If no crack is detected on the skin adjacent to the modification during any HFEC inspection required by paragraph (c)(2) of this AD, repeat the HFEC inspection thereafter at intervals not to exceed 20,000 landings.

(ii) If any crack is detected on the skin adjacent to the modification during any HFEC inspection required by paragraph (c)(2) of this AD, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(d) Group 2, Condition 2. For airplanes identified as Group 2 in McDonnell Douglas Service Bulletin DC9–53–280, Revision 01, dated July 30, 1998: If the visual inspection required by paragraph (a) of this AD reveals that the doorstops and corners of the forward passenger door doorjamb *have been modified* previously in accordance with McDonnell Douglas DC–9 SRM or Service Rework Drawing, using an aluminum doubler, prior to the accumulation of 28,000 landings after the accomplishment of the modification, or within 3,500 landings after the effective date of this AD, whichever occurs later, perform a HFEC inspection to detect cracks on the skin adjacent to the modification, in accordance with McDonnell Douglas Service Bulletin DC9–53–280, dated December 1, 1997, or Revision 01, dated July 30, 1998.

(1) If no crack is detected on the skin adjacent to the modification during any HFEC inspection required by paragraph (d) of this AD, repeat the HFEC inspection thereafter at intervals not to exceed 20,000 landings.

(2) If any crack is detected on the skin adjacent to the modification during any HFEC inspection required by paragraph (d) of this AD, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(e) Group 2, Condition 3. For airplanes identified as Group 2 in McDonnell Douglas Service Bulletin DC9–53–280, Revision 01, dated July 30, 1998: If the visual inspection required by paragraph (a) of this AD reveals that the doorstops and corners of the forward passenger door doorjamb *have been modified previously*, but not in accordance with McDonnell Douglas DC9 SRM or the Service Rework Drawing, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(f) Accomplishment of the actions required by this AD constitutes terminating action for inspections of Principal Structural Element (PSE) 53.09.031 (reference McDonnell Douglas Model DC–9 Supplemental Inspection Document) required by AD 96–13–03, amendment 39–9671.

(g) 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, Los Angeles ACO. 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 4: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(h) 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.

(i) Except as provided by paragraphs (b)(1)(ii)(B), (b)(2)(ii), (b)(3), (c)(1)(ii), (c)(2)(ii), (d)(2), and (e) of this AD, the actions shall be done in accordance with McDonnell Douglas Service Bulletin DC9–53–280, dated December 1, 1997; or McDonnell Douglas Service Bulletin DC9–53–280, Revision 01, dated July 30, 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 The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(j) This amendment becomes effective on January 22, 1999.

Issued in Renton, Washington, on December 11, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–33389 Filed 12–17–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 8796]

RIN 1545–AU05

Notice, Consent and Election Requirements of Sections 411(a)(11) and 417 for Qualified Retirement Plans

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains regulations that provide guidance concerning the notice and consent requirements under section 411(a)(11) and the notice and election requirements under section 417 for qualified retirement plans. These regulations finalize proposed regulations published in the **Federal Register** on September 22, 1995. In order to avoid delay in the commencement of distributions, the regulations generally allow distributions to commence, with spousal consent if required, in less than 30 days after a participant receives a notice of distribution rights if the participant affirmatively so elects to have the distributions commence. The regulations affect employers that maintain qualified plans, and participants and beneficiaries in those plans.

DATES: These regulations are effective December 18, 1998.

FOR FURTHER INFORMATION CONTACT: Robert Walsh, (202) 622–6090 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under the control number 1545–1471. Responses to this collection of information are mandatory.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

The estimated burden per respondent is .011 hours.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be sent to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, OP:FS:FP, Washington, DC 20224, and to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Books or records relating to this collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

This document contains amendments to the Income Tax Regulations (26 CFR part 1) under section 411(a)(11) and section 417(e). These regulations finalize proposed regulations that were published as a notice of proposed rulemaking (EE–24–93) (REG–209626–93) in the **Federal Register** (60 FR 49236) on September 22, 1995. The notice of proposed rulemaking states that the text of the proposed regulations is the same as the text of temporary regulations which were published in the **Federal Register** (60 FR 49218) on the same day. A public hearing was held on the temporary regulations on April 24, 1996.

As indicated in Announcement 98–87 (1998–40 I.R.B. 11), the temporary regulations automatically expired in September, 1998, pursuant to section 7805(e). Announcement 98–87 provides, however, that plan sponsors may rely upon the identical proposed regulations until they are amended or finalized.

Prior to the issuance of the proposed regulations, § 1.411(a)–11(c) provided that a participant's consent to a distribution under section 411(a)(11) was not valid unless the participant received a notice of his or her rights under the plan no more than 90 and no less than 30 days prior to the annuity starting date. Section 1.417(e)–1 set forth the same 90/30-day time period for providing the notice explaining the qualified joint and survivor annuity and waiver rights required under section 417(a)(3) (QJSA explanation).

Temporary regulations providing guidance on the amendment to section 402(f) made by the Unemployment Compensation Amendments of 1992 (UCA), published in October 1992, generally prescribed this 90/30-day time period for purposes of the notice requirement under that section. In the preamble to the UCA temporary regulations, the IRS and Treasury requested comments on the appropriateness of this time period for section 411(a)(11), as well as for section 402(f).

In response to comments on the 90/30-day time period, the proposed regulations modified the 30-day time period for purposes of sections 411(a)(11) and 417. Under the proposed regulations, if, after having received the notice of distribution rights described in § 1.411(a)–11, a participant affirmatively elects a distribution, a plan will not fail to satisfy the consent requirement of section 411(a)(11) merely because the distribution is made less than 30 days after the notice was provided to the participant.

The proposed regulations under section 417 made the same change to § 1.417(e)–1 and also provided a more limited modification to the 30-day time period in § 1.417(e)–1. The reception to this change to the 30-day period for purposes of section 417 was generally favorable.

Commentators expressed concern about the restatement in the proposed regulations of the statutory requirement that the QJSA explanation be provided before the annuity starting date because