detailed description of compression failures than the original issue of this service letter, and also includes a recommendation that inspectors should have previous compression failure detection experience. The FAA has determined that this more detailed description, combined with the inspection procedures included in the service letter, should give the inspectors adequate information to detect compression failures in the wing spars of ACAC 7, 8, and 11 series airplanes.

The FAA is incorporating this service information into a new AD (will be initiated as an NPRM) that would combine both the actions in the NPRM (Docket No. 97–CE–79–AD) and AD 98–05–04.

Comment Issue No. 13: Delete the Proposed Requirement To Install Additional Bottom Inspection Covers

Several commenters state additional inspection covers over that which already exist may not be required for some aircraft. These commenters suggest that the FAA delete the specific proposed requirement in the NPRM of installing additional bottom inspection covers.

The FAA concurs. The inspection-authorized mechanic who is performing the inspection is in the best position to determine the number of bottom inspection covers needed to accomplish the intent of the AD. The selected inspection method and the location of previously installed inspection covers will determine the number and location of the additional inspection covers required to perform a thorough inspection. The service information referenced in the NPRM has been revised and clarifies that additional inspection covers need only be installed in order to accomplish a thorough spar inspection.

The FAA is incorporating this service information into a new AD (will be initiated as an NPRM) that would combine both the actions in the NPRM (Docket No. 97–CE–79–AD) and AD 98–05–04.

Comment Issue No. 14: The FAA Proposed This AD Only for the Manufacturer's Benefit

Numerous commenters object to the proposal and believe that the only reason the FAA issued an NPRM is because ACAC requested an AD to dodge a liability issue or make a profit.

The FAA does not concur. The FAA has an obligation to implement AD action when an unsafe condition is found in a product and that unsafe condition could develop in other products of the same type design. The service history of all the affected airplane models indicates that cracks and compression failures in the wing spars are unsafe conditions that need to be addressed through AD action.

No changes to the proposal have been made as a result of these comments.

Comment Issue No. 15: Prohibit Aerobatic Flight Instead of Requiring Repetitive Inspections

Five commenters state that spar damage is a direct result of aerobatic flight. Because of this, the commenters suggest that the FAA change the proposal to include a placard that specifies prohibiting aerobatic flight instead of the repetitive inspection requirement currently proposed.

The FAA does not concur. Not all of the affected airplanes are certificated for aerobatic flight. However, spar damage has been found on many of the affected airplane model designs, regardless of whether they have been certificated for aerobatic flight.

No changes to the proposal have been made as a result of these comments.

Comment Issue No. 16: Install a "G" Meter Instead of Requiring Repetitive Inspections

Three commenters state that installing a "G" meter in the airplane will help limit the peak accelerations. The commenters request that the FAA propose the "G" meter installation instead of repetitive inspections.

The FAA does not concur. While the FAA believes that installing a "G" meter may aid in limiting peak accelerations, this will not account for all wing loading conditions or detect existing spar damage before structural failure of the wing.

No changes to the proposal have been made as a result of these comments.

Comment Issue No. 17: Allow the Use of a Borescope as an Alternative Method of Compliance to the Proposed Inspections

Several commenters request that the FAA allow the use of a borescope as an alternative method of compliance to the inspections proposed in the NPRM.

The FAA concurs that a borescope, when available, is an acceptable alternative inspection method. Therefore, this inspection method is being incorporated into a new AD (will be initiated as an NPRM) that would combine both the actions in the NPRM (Docket No. 97–CE–79–AD) and AD 98–05–04. This inspection method is referenced in ACAC Service Letter 406, Revision A, dated May 6, 1998.

The FAA's Determination

After careful review of all available information related to the subject presented above, including the comments submitted to the NPRM (Docket No. 97-CE–79–AD), the FAA has determined that:

—The proposed rule should be withdrawn; and

—A new NPRM should be issued in a different action that would supersede AD 98–05–04 with a new AD (will be initiated as an NPRM) that would affect all 7, 8, and 11 series airplanes and incorporate recommended alternative methods for complying with the actions.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing future rulemaking on this issue, nor does it commit the agency to any course of action in the future. Combining the proposed actions of this NPRM and AD 98–05–04 will be initiated in a different AD action.

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket No. 97–CE–79–AD, published in the **Federal Register** on November 3, 1997 (62 FR 59310), is withdrawn.

Issued in Kansas City, Missouri, on May 26, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–14130 Filed 6–3–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–121–AD]

RIN 2120–AA64

Airworthiness Directives; American Champion Aircraft Corporation 7, 8, and 11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 98–05–04, which currently requires repetitively inspecting the front and rear wood spars for damage, including installing any necessary inspection holes, on certain American Champion Aircraft Corporation (ACAC) Model 8GCBC airplanes; and repairing or replacing any damaged wood spar. Damage is defined as cracks; compression cracks; longitudinal cracks through the bolt holes or nail holes; or loose or missing nails. The proposed AD would retain the actions of AD 98–05–04; would extend these actions to ACAC 7, 8, and 11 series airplanes; and would incorporate alternative methods of accomplishing the actions. The proposed AD is the result of a review of the service history of the affected airplanes that incorporate wood wing spars. The review was prompted by in-flight wing structural failures on ACAC Model 8GCBC airplanes, and revealed several incidents where damage was found on the front and rear wood spars on the affected airplanes. The actions specified by the proposed AD are intended to prevent possible compression cracks and other damage in the wood spar wing, which, if not detected and corrected, could eventually result in in-flight structural failure of the wing with consequent loss of the airplane.

DATES: Comments must be received on or before July 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–121–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from the American Champion Aircraft Corporation, P.O. Box 37, 32032 Washington Avenue, Highway D, Rochester, Wisconsin 53167; internet address: ''www.amerchampionaircraft.com''. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. William Rohder, Aerospace Engineer, FAA, Chicago Aircraft Certification Office, 2300 E. Devon Avenue, Des Plaines, Illinois 60018; telephone: (847) 294–7697; facsimile: (847) 294–7834.

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 should 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 that summarizes 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 No. 98–CE–121–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, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–121–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 98–05–04, Amendment 39–10365 (63 FR 10297, March 3, 1998), currently requires repetitively inspecting the front and rear wood spars for damage, including installing any necessary inspection holes; and repairing or replacing any damaged wood spar on certain ACAC Model 8GCBC airplanes. Damage is defined as cracks; compression cracks; longitudinal cracks through the bolt holes or nail holes; or loose or missing nails.

The FAA issued AD 98–05–04 as a result of a review of the service history of the affected airplanes that incorporate wood wing spars. The review was prompted by in-flight wing structural failures on ACAC Model 8GCBC airplanes, and revealed several incidents where damage was found on the front and rear wood spars on the affected airplanes.

In addition, the FAA issued a notice of proposed rulemaking (NPRM) (Docket No. 97–CE–79–AD) on October 27, 1997, that, if followed by a final rule, would have required the same actions as AD 98–05–04 on all ACAC 7, 8, and 11 series airplanes (excluding the Model 8GCBC airplanes). This NPRM was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 3, 1997 (62 FR 59310).

Numerous comments were received on the NPRM (Docket No. 97–CE–79–AD). Many of these comments proposed that the FAA combine the actions of the NPRM and AD 98–05–04 into one AD that would affect all ACAC 7, 8, and 11 series airplanes and incorporate recommended alternative methods for complying with the actions.

Relevant Service Information

ACAC Service Letter C–139, dated January 28, 1980, includes procedures for inspecting the wing rib/spar attachment and leading edge support block nails of the ACAC 7, 8, and 11 series airplanes.

In addition, ACAC has issued other service information, as follows:

—Service Letter 406, Revision A, dated May 6, 1998, which includes alternative methods of compliance to the actions required by AD 98–05–04 and proposed in Docket No. 97–CE–79–AD; and

—Service Letter 417, Revision C, dated May 6, 1998, which includes procedures for installing fabric patches instead of inspection hole covers.

The FAA's Determination

After examining all information related to the NPRM (Docket No. 97–CE–79–AD) and AD 98–05–04, the FAA has determined that:

—The NPRM (Docket No. 97–CE–79–AD) should be withdrawn;

—AD 98–05–04 should be superseded with a new AD that would combine the actions of that AD and Docket No. 97–CE–79–AD, and incorporate recommended alternative methods for complying with those actions; and

—AD action should be taken on all ACAC 7, 8, and 11 series airplanes to prevent possible compression cracks and other damage in the wood spar wing, which, if not detected and corrected, could eventually result in in-flight structural failure of the wing with consequent loss of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other ACAC 7, 8, and 11 series airplanes of the same type design, the FAA is proposing AD action to supersede AD 98–05–04. The proposed AD would retain the actions of AD 98–05–04; would extend these actions to all ACAC 7, 8, and 11 series airplanes; and would incorporate alternative methods of accomplishing the actions. The inspections specified by the proposed AD would be accomplished in accordance with ACAC Service Letter 406, Revision A, dated May 6, 1998.

The FAA is withdrawing the NPRM (Docket No. 97–CE–79–AD) in a separate action. A full disposition of the comments on the NPRM may be found in that document.

Compliance Time of the Proposed AD

The compliance time of the proposed AD is presented in calendar time and hours time-in-service (TIS). Although the unsafe condition specified in the proposed AD is a result of airplane operation, operators of the affected airplanes utilize their airplanes in different ways.

For example, an operator may utilize his/her airplane 50 hours TIS in a year while utilizing the aircraft in no or very little crop dusting operations, banner or glider tow operations, or rough field or float operations. This airplane would obviously have a lower crack propagation rate than an airplane operated 300 hours TIS a year in frequent crop dusting operations, banner or glider tow operations, or rough field or float operations. However, either airplane could have pre-existing and undetected wood spar damage that occurred during previous operations. In this situation, the damage to the wood spar would propagate at a rate that depends on the operational exposure of the airplane and severity of the initial wood spar damage.

The FAA is proposing repetitive inspection compliance times that would coincide with the owner's/operator's annual inspection program. This should have the least impact upon operators because the costs of having the airplane out of service can be absorbed with regularly scheduled down-time.

To assure that compression cracks do not go undetected in the wood spars of the affected airplanes, the FAA has determined that the following compliance times should be used:

1. The proposed initial inspection at the first annual inspection that occurs 30 calendar days or more after the effective date of the AD or within 13 calendar months after the effective date of the AD, whichever occurs first; and

2. The proposed repetitive inspections thereafter at intervals not to exceed 12 calendar months or 500 hours TIS, whichever occurs first.

Cost Impact

Though the proposed AD would not require installing additional inspection holes/covers, the following cost analysis is based on the presumption that 11 additional inspection holes/covers per wing would be required to complete a thorough inspection in accordance with ACAC Service Letter 406, Revision A, dated May 6, 1998. These inspection holes/covers may not be required, which would reduce the proposed cost impact upon U.S. operators of the affected airplanes.

The FAA estimates that 6,701 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 6 workhours (Installations: 5 workhours; Initial Inspection: 1 workhour) per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $292 per airplane, provided that each airplane would only need 11 additional standard inspection hole covers per wing bottom surface (total of 22 new covers per airplane). If the airplane would require the installation of more inspection covers (i.e., a result of previous non-factory wing recover work), the cost could be slightly higher.

Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $4,369,052, or $652 per airplane.

These cost figures are based on the presumption that no affected Model 8GCBC airplane owner/operator has accomplished the installations or the initial inspection as currently required by AD 98–05–04, and do not account for repetitive inspections. The FAA has no way of determining the number of repetitive inspections each owner/operator of the affected airplanes will incur over the life of his/her airplane. However, each proposed repetitive inspection would cost substantially less than the initial inspection because the cost of the initial proposed inspection hole and cover installations would not be repetitive. The inspection covers allow easy access for the inspection of the wood spars, and the proposed compliance time would enable the owners/operators of the affected airplanes to accomplish the repetitive inspections at regularly scheduled annual inspections.

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 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) 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 has been placed 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 14 CFR part 39 of the Federal Aviation Regulations 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 Airworthiness Directive (AD) 98–05–04, Amendment 39–10365 (63 FR 10297, March 3, 1998), and by adding a new AD to read as follows:

American Champion Aircraft Company: Docket No. 98–CE–121–AD; Supersedes AD 98–05–04, Amendment 39–10365.

Applicability: The following airplane models, all serial numbers, certificated in any category, that are equipped with wood wing spars:

7AC
7BCM (L–16A)
7DC
S7EC
7GC

7GCB
7HC
7KCAB
11AC
S11BC
7ACA
7CCM (L–16B)
S7DC
7ECA
7GCA
7GCBA
7JC
8GCBC
S11AC
11CC
S7AC
S7CCM
7EC
7FC
7GCAA
7GCBC
7KC
8KCAB
11BC
S11CC

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, repaired, or reconfigured in the area subject to the requirements of this AD. For airplanes that have been modified, altered, repaired, or reconfigured 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 in the body of this AD, unless already accomplished.

To prevent possible compression cracks and other damage in the wood spar wing, which, if not detected and corrected, could eventually result in in-flight structural failure of the wing with consequent loss of the airplane, accomplish the following:

(a) *Initial Inspection With Possible Repair or Replacement:* Inspect and repair or replace the wood wing spars, as follows:

(1) At the first annual inspection that occurs 30 calendar days or more after the effective date of this AD or within the next 13 calendar months after the effective date of this AD, whichever occurs first, inspect (detailed visual) both the front and rear wood wing spars for cracks; compression cracks; longitudinal cracks through the bolt holes or nail holes; and loose or missing rib nails (referred to as damage hereafter). Accomplish these inspections in accordance with American Champion Aircraft Corporation (ACAC), Service Letter 406, Revision A, dated May 6, 1998. This service bulletin specifies using a high intensity flexible light (for example a ''Bend-A-Light''). A regular flashlight and mirrors may not be used for this inspection.

(2) If any spar damage is found, prior to further flight, repair or replace the wood wing spar in accordance with Advisory Circular (AC) 43.13–1B, Acceptable Methods, Techniques and Practices; or other data that is approved by the FAA for wing spar repair or replacement.

(b) *Repetitive Inspections:* Accomplish the inspection, repair, replacement, and installation required by paragraphs (a)(1) and (a)(2) of this AD within 12 calendar months or 500 hours TIS (whichever occurs first) after these initial actions, and thereafter at intervals not to exceed 12 calendar months or 500 hours TIS, whichever occurs first.

(c) *Additional Inspection Requirements After Accident/Incident:* If, after the effective date of this AD, any of the affected airplanes are involved in an incident/accident that involves wing damage (e.g., surface deformations such as abrasions, gouges, scratches, or dents, etc.), prior to further flight after that incident/accident, accomplish the inspection and repair or replacement required by paragraphs (a)(1) and (a)(2) of this AD, as applicable.

(d) *Reporting Requirements:* Within 30 days after any wing damage is found per the requirements of this AD, submit a Malfunction or Defect Report (M or D), FAA Form 8010–4, which describes the damage; and send a copy of this report to the Manager, Chicago Aircraft Certification Office (ACO), 2300 E. Devon Avenue, Des Plaines, Illinois 60018; facsimile: (847) 294–7834. Include the airplane model and serial number, the extent of the damage (location and type), and the number of total hours TIS on the damaged wing. 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.

(e) *Alternatives to the AD:* ACAC Service Letter 406, Revision A, and ACAC Service Letter 417, Revision C, both dated May 6, 1998, specify additional inspection and installation alternatives over that included in the original issue of these service letters. All inspection and installation alternatives presented in these service letters are acceptable for accomplishing the applicable actions of this AD.

(f) *Special Flight Permits:* 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) *Alternative Methods of Compliance:* An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Chicago ACO, 2300 E. Devon Avenue, Des Plaines, Illinois 60018.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Chicago ACO.

(2) Alternative methods of compliance approved in accordance with AD 98–05–04 are considered approved for this AD.

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

(h) *Availability of Service Information:* All persons affected by this directive may obtain copies of the documents referred to herein upon request to the American Champion Aircraft Corporation, P.O. Box 37, 32032 Washington Avenue, Highway D, Rochester, Wisconsin 53167; internet address: ''www.amerchampionaircraft.com''; or may examine these documents at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(i) *Other AD's Affected:* This amendment supersedes AD 98–05–04, Amendment 39–10365.

Issued in Kansas City, Missouri, on May 26, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–14131 Filed 6–3–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR PARTS 4 AND 159

RIN 1515–AC30

Foreign Repairs to American Vessels

AGENCY: Customs Service, Department of the Treasury.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document provides an additional 30 days for interested members of the public to submit comments on proposed amendments to the Customs Regulations concerning foreign repairs to American vessels. The proposed amendments would revise the regulations regarding the declaration, entry, assessment of duty and processing of petitions for relief from duty for vessels of the United States that undergo foreign shipyard operations. The proposed amendments to the vessel repair regulations are intended to accurately reflect current statutory law, as well as legal and policy determinations made as a result of judicial decisions and administrative enforcement experience.

DATES: Comments must be received on or before July 21, 1999.

ADDRESSES: Comments may be addressed to the Regulations Branch, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington D.C. 20229. All comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19