

*H. Review Under the Treasury and General Government Appropriations Act, 1999*

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105-277), requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule or policy that may affect family well-being. This rulemaking is not subject to a requirement to propose for public comment, and section 654 therefore does not apply.

**List of Subjects in 10 CFR Part 600**

Administrative practice and procedure.

Issued in Washington, DC, on October 12, 1999.

**Richard H. Hopf,**

*Director, Office of Procurement and Assistance Management.*

For the reasons set out in the preamble, part 600 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as follows:

**PART 600—FINANCIAL ASSISTANCE RULES**

1. The authority citation for part 600 continues to read as follows:

**Authority:** 42 U.S.C. 7254, 7256, 13525; 31 U.S.C. 6301-6308, unless otherwise noted.

2. Section 600.3 is amended by removing the term *objective merit review* and adding in its place in alphabetical order the term *merit review* to read as follows:

**§ 600.3 Definitions.**

*Merit review* means a thorough, consistent, and objective examination of applications based on pre-established criteria by persons who are independent of those submitting the applications and who are knowledgeable in the field of endeavor for which support is requested.

\* \* \* \* \*

**§ 600.4 [Amended]**

3. Section 600.4 is amended in paragraphs (c)(2)(ii) and (c)(3) by revising the phrase "Deputy Assistant Secretary for Procurement and Assistance Management" to read "Director, Procurement and Assistance Management".

4. Section 600.6 is amended by revising paragraph (c)(8) to read as follows:

**§ 600.6 Eligibility.**

\* \* \* \* \*

(c) \* \* \*

(8) The responsible program Assistant Secretary (or official of equivalent

authority), with the approval of the Secretary of Energy, determines that a noncompetitive award is in the public interest. This authority may not be delegated.

\* \* \* \* \*

5. Section 600.10 is amended by revising paragraph (b) to read as follows:

**§ 600.10 Form and content of applications.**

\* \* \* \* \*

(b) *Forms.* Applications shall be on the form and in the number of copies specified in a program rule, the solicitation, or these regulations. (See also §§ 600.112 and 600.210.) For unsolicited applications, a guide for preparation and submission is available from U.S. Department of Energy, Federal Energy Technology Center, Attn: Unsolicited Proposal Manager, Post Office Box 10940, Pittsburgh, PA, 15236-0940.

\* \* \* \* \*

6. Section 600.13 is revised to read as follows:

**§ 600.13 Merit review.**

\* \* \* \* \*

(a) It is the policy of DOE that discretionary financial assistance be awarded through a merit-based selection process. A merit review means a thorough, consistent, and objective examination of applications based on pre-established criteria by persons who are independent of those submitting the applications and who are knowledgeable in the field of endeavor for which support is requested.

(b) Each program office must establish a merit review system covering the financial assistance programs it administers. Merit review of financial assistance applications is intended to be advisory and is not intended to replace the authority of the project/program official with responsibility for deciding whether an award will be made.

**§ 600.14 [Removed and Reserved]**

7. Section 600.14 is removed.

**§ 600.24 [Amended]**

8. Section 600.24 is amended in paragraph (b), introductory text, by revising "§ 600.121(n)" to read "§ 600.122(n)".

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 98-NM-338-AD; Amendment 39-11380; AD 99-22-02]

RIN 2120-AA64

**Airworthiness Directives; Boeing Model 757-200PF Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Boeing Model 757-200PF series airplanes, that requires revising the Airplane Weight & Balance (W&B) Manual to prohibit operation of any airplane without side vertical restraints installed on the main cargo deck when carrying a particular pallet. This amendment also provides for optional terminating action for the Airplane W&B Manual revision. This amendment is prompted by reports indicating that some airplanes have been operated without side vertical restraints installed on the main cargo deck when carrying certain pallets. The actions specified by this AD are intended to prevent inadvertent movement of a cargo pallet during flight, which could result in an adverse center of gravity condition and consequent reduced controllability of the airplane.

**EFFECTIVE DATE:** November 24, 1999.

**ADDRESSES:** Information pertaining to this amendment may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** James G. Rehrl, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2783; fax (425) 227-1181.

**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 all Boeing Model 757-200PF series airplanes was published in the **Federal Register** on February 10, 1999 (64 FR 6577). That action proposed to require revising the Airplane Weight & Balance (W&B) Manual to prohibit operation of any airplane without side vertical restraints installed on the main cargo deck when

carrying a particular pallet. That action also proposed to provide for optional terminating action for the Airplane W&B Manual revision.

#### Comments

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, and another states that it has no comment.

#### Request for Extension of the Compliance Time

One commenter requests that the compliance time for the actions required by this proposed AD be extended to at least 28 months after the airplane manufacturer provides a service bulletin to modify the airplanes to install side vertical restraints. The commenter states that, in 12 years of operating with Type II cargo pallets, it has never had an adverse incident. The commenter states that this proposed AD would have an enormous effect on its fleet because it will have to use Type I cargo pallets. The commenter states that Type I cargo pallets are not readily available and, because other operators with which the commenter interacts do not use Type I cargo pallets, it will be difficult to use the services of Model 757-200PF series airplanes.

The FAA concurs that the compliance time can be extended somewhat. The FAA does not intend for this AD to place undue hardship on the affected operators. Based on the information provided by the commenter, the FAA now recognizes that a compliance time of 28 months would better allow operators to purchase Type I cargo pallets or make the necessary modifications to airplanes to resume use of Type II cargo pallets. In addition, a compliance time of 28 months is identical to the compliance times for similar actions to correct similar identified unsafe conditions on other transport category cargo airplanes. Paragraph (a) of the final rule has been revised accordingly.

#### Request for Use of Modified Type II Cargo Pallets

One commenter requests that the proposed AD be revised to allow the use of modified Type II cargo pallets that meet the NAS3610 requirements. The commenter states that the problem with the Type II cargo pallets is that they are too flexible, but that the pallets could be

manufactured with acceptable rigidity characteristics.

The FAA does not concur with the commenter's request. While the FAA accepts in principle that the Type II cargo pallets could be manufactured with acceptable rigidity characteristics, the commenter has not submitted any data or configuration definition that would allow their use. However, the commenter may request approval for an alternative method of compliance in accordance with the provisions of paragraph (c) of this AD. The request should include sufficient information for the FAA to evaluate the proposal. No change to the rule is necessary.

#### Request for Use of a Tether Assembly

One commenter requests that the proposed AD be revised to allow the use of a tether assembly. The commenter states that a tether assembly is a device that restricts the shifting of Type II cargo pallets such that the cargo shift will not affect the airplane's center of gravity. The commenter states that such an assembly appears to be an economical method to allow continued operation of the Model 757-200PF series airplane with Type II cargo pallets. However, another commenter states that it has evaluated such a system and concludes that, if used improperly, it could result in considerable damage to aircraft structure and cargo handling system components.

The FAA does not concur with the first commenter's request to allow the use of a tether assembly. While the FAA accepts in principle that a tether assembly should adequately address the identified unsafe condition, the FAA has concluded that it would be prudent to defer a decision until further information becomes available. The 28-month compliance time should allow sufficient time to resolve the issues raised by the second commenter prior to implementation of the W&B Manual revision. Assuming satisfactory resolution, the first commenter may request approval for an alternative method of compliance in accordance with the provisions of paragraph (c) of this AD. No change to the rule is necessary.

#### Explanation of Changes Made to Proposal

The FAA has revised paragraph (c) of the final rule to include instructions to submit requests of approval for an alternative method of compliance through an appropriate Principal Maintenance Inspector. The proposed rule only contained instructions to submit requests through an appropriate Principal Operations Inspector.

Operators should submit requests for approval for an alternative method of compliance for paragraph (a) of this AD through their Principal Operations Inspector, whereas requests for approval for an alternative method of compliance for paragraph (b) of this AD should be submitted through their Principal Maintenance Inspector.

#### 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 100 airplanes of the affected design in the worldwide fleet. The FAA estimates that 90 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 Airplane W&B Manual revision, 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 \$5,400, or \$60 per airplane.

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, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

##### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**99-22-02 Boeing:** Amendment 39-11380. Docket 98-NM-338-AD.

**Applicability:** All Model 757-200PF series airplanes, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) 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 inadvertent movement of a cargo pallet during flight, which could result in an adverse center of gravity condition and consequent reduced controllability of the airplane, accomplish the following:

#### Manual Revision

(a) Within 28 months after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Weight & Balance (W&B) Manual to include the following statement. This action may be accomplished by inserting a copy of this AD into the W&B Manual.

“Operation of any airplane without side vertical restraints installed on the main cargo deck when carrying any Type II cargo pallet is prohibited.”

#### Optional Corrective Action

(b) Installation of side vertical restraints in accordance with a method approved by the

Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, constitutes terminating action for the requirements of paragraph (a) of this AD.

#### Alternative Methods of Compliance

(c) 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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector or Principal Maintenance Inspector, as applicable, who may add comments and then send it to the Manager, Seattle ACO.

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

#### Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 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.

(e) This amendment becomes effective on November 24, 1999.

Issued in Renton, Washington, on October 13, 1999.

**D.L. Riggins,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-225-AD; Amendment 39-11379; AD 99-21-33]

**RIN 2120-AA64**

#### Airworthiness Directives; Fokker Model F.27 Mark 050 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F.27 Mark 050 series airplanes. This action requires a one-time inspection to detect improper installation of countersunk screws used to attach the access panels to the bottom skin of the center wing; and corrective action, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to detect and correct such improper installation, which could result in

fatigue cracking of the bottom skin of the center wing and consequent reduced structural integrity of the airplane.

**DATES:** Effective November 4, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 4, 1999.

Comments for inclusion in the Rules Docket must be received on or before November 19, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-225-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, The Netherlands. This information may be examined 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.

#### 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:** The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on certain Fokker Model F.27 Mark 050 series airplanes. The RLD advises that, on a number of airplanes on the production line, the heads of countersunk screws were found not to seat properly in their countersinkings. The affected screws are used in the attachment of access panels of the bottom skin of the center wing. This condition, if not corrected, could result in fatigue cracking of the bottom skin of the center wing and consequent reduced structural integrity of the airplane.

#### Explanation of Relevant Service Information

Fokker has issued Service Bulletin SBF50-57-015, dated February 28, 1996, which describes procedures for a one-time detailed visual inspection to detect improper installation (excessive gap) of the countersunk screws in the access covers of the bottom skin of the center wing.

Fokker has also issued Service Bulletin SBF50-57-018, dated February 28, 1996, which describes procedures