

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:

98-20-32 Short Brothers PLC: Amendment 39-10799. Docket 98-NM-138-AD.

Applicability: All Model SD3-60 SHERPA 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 (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct corrosion of the distance piece and adjacent side plates of the fuselage wing strut pick-up of the left- and right-stub wings, which could result in reduced strength of the wing strut attachment to the stub wing on the fuselage, and consequent reduced structural integrity of the main wing, accomplish the following:

(a) Within 90 days after the effective date of this AD, clean the pockets in the horizontal and vertical legs of the distance piece and adjacent faces of the side plates at the wing strut pick-up area on the stub wing, and perform a visual inspection to detect corrosion; in accordance with Shorts Service Bulletin SD3-60 SHERPA-53-2, dated November 4, 1997.

(b) If no corrosion is detected during the inspection required by paragraph (a) of this AD, prior to further flight, apply additional corrosion protection treatment in accordance with Shorts Service Bulletin SD3-60 SHERPA-53-2, dated November 4, 1997.

(c) If any corrosion is detected, prior to further flight, after cleaning and removing the corrosion from the distance piece and side plates in accordance with Shorts Service Bulletin SD3-60 SHERPA-53-2, dated November 4, 1997, accomplish paragraph (c)(1) or (c)(2) of this AD, as applicable.

(1) If the depth of corrosion is within the limits specified in the service bulletin, apply additional corrosion protection treatment in accordance with the service bulletin.

(2) If the depth of corrosion is outside the limits specified in the service bulletin, accomplish either paragraph (c)(2)(i) or (c)(2)(ii) of this AD. Thereafter, repeat the detailed visual inspection required by paragraph (a) of this AD at intervals not to exceed 600 hours time-in-service or 90 days, whichever occurs first.

(i) Rework the damaged components in accordance with a method approved by either the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate; or the Civil Aviation Authority of the United Kingdom (or its delegated agent). Thereafter, repeat the detailed visual inspection required by paragraph (a) of this AD at intervals not to exceed 600 hours time-in-service or 90 days, whichever occurs first.

(ii) Replace the damaged components with new components in accordance with Shorts SD3-60 Sherpa Maintenance Programme Manual, Section 5-26-57, page 9, dated July 17, 1995.

(d) Within 10 days after accomplishing the initial cleaning and inspection required by paragraph (a) of this AD, submit a report of the inspection results (both positive and negative findings) to Short Brothers, PLC. 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) 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.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) Except as provided by paragraphs (c)(2)(i), (c)(2)(ii), and (d) of this AD, the actions shall be done in accordance with Shorts Service Bulletin SD3-60 SHERPA-53-2, dated November 4, 1997. 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 Short

Brothers, Airworthiness & Engineering Quality, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. 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 004-11-97.

(h) This amendment becomes effective on October 30, 1998.

Issued in Renton, Washington, on September 17, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-25475 Filed 9-24-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-ACE-21]

Establish Class E Airspace; Davenport, IA; Correction

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an error in the airspace docket identification of a final rule that was published in the **Federal Register** on August 18, 1998 (63 FR 44128), Airspace Docket No. 97-ACE-21. The final rule established Class E airspace surface area at the Davenport Municipal Airport, Davenport, IA.

EFFECTIVE DATE: 0901 UTC October 8, 1998.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE-520C, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106; telephone: (816) 426-3408.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 98-22170, Airspace Docket No. 97-ACE-21, published on August 18, 1998 (63 FR 44128), established Class E airspace area at Davenport, IA. An error was discovered in the airspace docket identification for Davenport, IA. This action corrects that error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the airspace docket identification for Davenport, IA, as published in the **Federal Register** on August 18, 1998 (63 FR 44128), **Federal**

Register Document 98-22170) is corrected as follows:

On page 44128, in column 2, in the fourth line of the heading, by correcting "Airspace Docket No. 97-ACE-21" to read "Airspace Docket No. 98-ACE-21".

Issued in Kansas City, MO on September 2, 1998.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98-25745 Filed 9-24-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4, 18, 122, 123, 127, 148, 178 and 192

[T.D. 98-74]

RIN 1515-AB99

Lay Order Period; General Order; Penalties

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule, with some changes, proposed amendments to the Customs Regulations regarding the obligation of the owner, master, pilot, operator, or agent of an arriving carrier to provide notice to Customs and to a bonded warehouse of the presence of merchandise or baggage that has remained at the place of arrival or unloading beyond the time period provided by regulation without entry having been completed. The document requires one of the arriving carrier's obligated parties, or any subsequent in-bond carrier or party who accepts custody under a Customs-authorized permit to transfer, to provide notice of the unentered merchandise or baggage to a bonded warehouse. The notice to the bonded warehouse proprietor initiates his obligation to arrange for transportation and storage of the unentered merchandise or baggage at the risk and expense of the consignee. The document also amends the Customs Regulations to provide for penalties or liquidated damages against the owner or master of any conveyance, or agent thereof, for failure to provide the required notice to Customs or to a bonded warehouse proprietor. The document also provides for the assessment of liquidated damages against any subsequent in-bond carrier or other party who accepts custody of the merchandise or baggage under a Customs-authorized permit to transfer

and who fails to notify Customs and a bonded warehouse of the presence of such unentered merchandise or baggage and also against the warehouse operator who fails to take required possession of the merchandise or baggage. These regulatory changes reflect amendments to the underlying statutory authority enacted as part of the Customs Modernization provisions of the North American Free Trade Agreement Implementation Act. In addition, this document makes certain conforming changes to the Customs Regulations in order to reflect a number of other statutory amendments and repeals enacted by the Customs Modernization provisions and in order to reflect the recent recodification and reenactment of title 49, United States Code.

EFFECTIVE DATE: October 26, 1998.

FOR FURTHER INFORMATION CONTACT: For legal matters: Jeremy Baskin, Penalties Branch, Office of Regulations and Rulings (202) 927-2344. For operational matters: Steven T. Soggin, Office of Field Operations, (202) 927-0765.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, amendments to certain Customs and navigation laws became effective as the result of enactment of the North American Free Trade Agreement Implementation Act, Public Law 103-182, 107 Stat. 2057. Title VI of that Act sets forth Customs Modernization provisions that are popularly referred to as the Mod Act.

Section 656 of the Mod Act amended section 448(a) of the Tariff Act of 1930 (19 U.S.C. 1448(a)) to provide, *inter alia*, that: (1) the owner or master of any vessel or vehicle, or the agent thereof, shall notify Customs of any merchandise or baggage unladen for which entry is not made within the time prescribed by law or regulation; (2) the Secretary of the Treasury shall by regulation prescribe administrative penalties not to exceed \$1,000 for each bill of lading for which notice is not given; (3) any such administrative penalty shall be subject to mitigation and remission under section 618 of the Tariff Act of 1930, as amended (19 U.S.C. 1618); and (4) such unentered merchandise or baggage shall be the responsibility of the master or person in charge of the importing vessel or vehicle, or agent thereof, until it is removed from the carrier's control in accordance with section 490 of the Tariff Act of 1930, as amended (19 U.S.C. 1490). On July 31, 1997, Customs published a notice of proposed rulemaking in the **Federal Register** (62 FR 40992) proposing to revise paragraph (a) of § 4.37 of the Customs Regulations

(19 CFR 4.37) and add new § 122.50 and § 123.10 (19 CFR 122.50 and 19 CFR 123.10) to implement these Mod Act statutory changes for air, land and sea carriers. Under the proposed regulatory text, importing carriers were to be afforded a five-working-day lay order period after the conclusion of an initial five-working-day period after unloading or arrival of merchandise to notify Customs, in writing or by any Customs-authorized electronic data interchange system, of the presence of the unentered merchandise or baggage. Penalties could be imposed if, after the five-day lay order period, Customs had not been notified of the presence of the unentered merchandise.

Section 658 of the Mod Act amended section 490 of the Tariff Act of 1930 (19 U.S.C. 1490) to provide that: (1) except in the case of U.S. government importations, the carrier shall notify the bonded warehouse of any imported merchandise for which entry is not made within the time prescribed by law or regulation, or for which entry is incomplete because of failure to pay estimated duties, fees or interest, or for which entry cannot be made for want of proper documents or other cause, or which Customs believes is not correctly and legally invoiced; and (2) after such notification from the carrier, the bonded warehouse shall arrange for the transportation and storage of the merchandise at the risk and expense of the consignee. The July 31, 1997, notice of proposed rulemaking also proposed to revise paragraph (b) of § 4.37 of the Customs Regulations (19 CFR 4.37) and to include in new §§ 122.50 and 123.10 provisions to implement these Mod Act statutory changes. The proposed regulatory text would have required the carrier to provide the appropriate notification, in writing or by any Customs-authorized electronic data interchange system, and also would have required that the bonded warehouse operator take possession of the merchandise within five working days after receipt of such notification or else be liable for liquidated damages under the terms and conditions of his custodial bond. The proposed regulatory changes also included a cross-reference to § 113.63(a)(1) of the Customs Regulations (19 CFR 113.63(a)(1)) so as to reflect the existing basis for such custodial bond liability. In addition, the document proposed to amend paragraph (d) of § 4.37 by replacing the word "owner" with "consignee" to align on the corresponding statutory language.

Section 611 of the Mod Act amended section 436 of the Tariff Act of 1930 (19 U.S.C. 1436), *inter alia*, by including