

## Cost Impact

The FAA estimates that 33 EMBRAER Model EMB-145 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$1,980, or \$60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed 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 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 proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the 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 is contained 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 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:

#### **Empresa Brasileira de Aeronautica S.A. (EMBRAER): Docket 99-NM-98-AD.**

**Applicability:** Model EMB-145 series airplanes, equipped with main landing gear maneuvering actuators, part and serial numbers as listed in EMBRAER Service Bulletin 145-32-0031, Change No. 01, dated December 8, 1998, and Change No. 02, dated February 12, 1999; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent failure of the maneuvering actuator piston rod of the main landing gear (MLG), which would impede retraction of the MLG and consequent reduced controllability of the airplane, accomplish the following:

#### **Ultrasonic Inspection and Replacement**

(a) Within the next 100 landings after the effective date of this AD, perform an ultrasonic inspection of the maneuvering actuator piston rods of the MLG to ensure adequate wall thickness of the piston rods, in accordance with EMBRAER Service Bulletin 145-32-0031, Change No. 01, dated December 8, 1998, or Change No. 02, dated February 12, 1999.

(1) If the thickness of any measurement point in any piston rod is greater than 2.0 mm (.079 inch), no further action is required by this AD.

(2) If the thickness of any measurement point in any piston rod is from 1.5 mm (.059 inch) to 2.0 mm (.079 inch): Within 500 landings after the effective date of this AD, replace the piston rod with a new rod having the correct part number as specified in the service bulletin.

(3) If the thickness of any measurement point in any piston rod is less than 1.5 mm (.059 inch): Within 50 landings after the effective date of this AD, replace the piston

rod with a new rod having the correct part number as specified in the service bulletin.

## Alternative Methods of Compliance

(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, Atlanta Aircraft Certification Office (ACO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

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

## Special Flight Permits

(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.

**Note 3:** The subject of this AD is addressed in Brazilian airworthiness directive 98-09-01 R1, dated March 15, 1999.

Issued in Renton, Washington, on April 30, 1999.

**D. L. Riggan,**

*Acting Manager,*

*Transport Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Chapter IX

[Docket No. FR-4423-N-03]

### Negotiated Rulemaking Committee on Capital Fund Allocation; Meetings

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice of Negotiated Rulemaking Committee Meetings.

**SUMMARY:** This notice announces the second and third meetings of the Negotiated Rulemaking Committee on Capital Fund Allocation. These meetings are sponsored by HUD for the purpose of discussing and negotiating a proposed rule that would change the current method of determining the payment of capital funds to public housing agencies (PHAs).

**DATES:** The second committee meeting will be held on May 11 and May 12, 1999. On May 11, 1999, the meeting will begin at approximately 9:30 am and run until completion; on May 12, 1999, the meeting will begin at approximately

9:00 am and run until approximately 5:00 pm.

The third committee meeting will be held on May 25 and May 26, 1999. On May 25, 1999, the meeting will begin at approximately 9:30 am and run until completion; on May 26, 1999 the meeting will begin at approximately 9:00 am and run until approximately 5:00 pm.

**ADDRESSES:** The second committee meeting will take place at the Westin Fairfax Hotel, 2100 Massachusetts Avenue, Washington, DC 20008; telephone (202) 293-2100.

The third committee meeting will take place at the Channel Inn Hotel, 650 Water Street, SW, Washington, DC 20024; telephone 1-800-368-5668 or (202) 554-2400.

**FOR FURTHER INFORMATION CONTACT:** William Flood, Director, Office of Capital Improvements, Public and Indian Housing, Room 4134, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-0500; telephone (202) 708-1640 ext. 4185 (this telephone number is not toll-free). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free federal Information Relay Service at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** On April 26, 1999 (64 FR 20234), HUD published a **Federal Register** notice announcing the establishment of the Negotiated Rulemaking Advisory Committee on Capital Fund Allocation. The April 26, 1999 notice also announced the committee members, and the dates, location, and agenda for the first committee meeting. The purpose of the committee is to discuss and negotiate a proposed rule that would change the current method of determining the allocation of capital funds to public housing agencies (PHAs).

The second and third meetings of the negotiated rulemaking committee will take place as described in the **DATES** and **ADDRESSES** section of this notice.

The agenda planned for the committee meetings includes: (1) defining the goals for the Capital Fund formula; (2) discussing the various methods for translating these goals into a formula-based allocation system; and (3) the scheduling of future meetings.

In accordance with the General Services Administration (GSA) regulations implementing the Federal Advisory Committee Act, HUD normally publishes a **Federal Register** meeting notice at least 15 calendar days before the date of an advisory committee meeting. The GSA regulations,

however, also provide that an agency may give less than 15 days notice if the reasons for doing so are included in the **Federal Register** meeting notice. (See 41 CFR 101-6.1015(b).) Due to the difficulty in obtaining suitable hotel and conference room accommodations in the Washington, DC area during April, 1999, it has not been possible for HUD to announce the date and location of the second committee meeting before today. Given the October 1, 1999 statutory deadline for implementation of the Capital Fund formula, HUD believes it is imperative that the negotiations for development of the formula not be delayed. Failure to publish the Capital Fund final rule on a timely basis will delay the provision of capital subsidies to PHAs. Accordingly, rather than defer the negotiations, HUD has decided to proceed with the second committee meeting on May 11 and May 12, 1999.

The meetings will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the committee for its consideration. Written statements should be submitted to the address listed in the **FOR FURTHER INFORMATION** section of this notice. Summaries of committee meetings will be available for public inspection and copying at the address in the same section.

Dated: May 5, 1999.

**Deborah Vincent,**  
*General Deputy Assistant Secretary for Public and Indian Housing.*

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## DEPARTMENT OF JUSTICE

### Federal Prison Industries, Inc.

#### 28 CFR Part 302

[BOP 1081-P]

RIN 1120-AA84

#### Federal Prison Industries, Inc. (FPI) Standards and Procedures That Facilitate FPI's Ability To Accomplish Its Mission

**AGENCY:** Federal Prison Industries, Inc., Justice.

**ACTION:** Proposed rule; clarification.

**SUMMARY:** Federal Prison Industries, Inc. (FPI) proposed codification of its "Standards and Procedures that Facilitate FPI's ability to Accomplish its

Mission" was published on January 7, 1999 (64 FR 1082). The comment period in this rulemaking expires on May 10, 1999 (64 FR 11821). FPI will give careful consideration to the comments received in this proceeding. Final action in this rulemaking will not occur before September 1, 1999.

#### FOR FURTHER INFORMATION CONTACT:

Marianne S. Cantwell, Corporate Counsel, Federal Prison Industries, Inc., phone (202) 305-3501.

**Marianne S. Cantwell,**

*Acting Chief Operating Officer, Federal Prison Industries, Inc.*

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## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### 29 CFR Part 2700

#### Procedural Rules

**AGENCY:** Federal Mine Safety and Health Review Commission.

**ACTION:** Supplemental notice of proposed rulemaking.

**SUMMARY:** The Federal Mine Safety and Health Review Commission (the "Commission") is an independent adjudicatory agency that provides trial and appellate review of cases arising under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 *et seq.* (1994) (the "Mine Act"). On May 7, 1998, the Commission published a proposed rule, proposing revisions to several of its rules of procedure. See 63 FR 25183-87 (May 7, 1998). The Commission is supplementing that proposed rule with additional proposed procedural rule revisions which were not included in the May 7 publication.

**DATES:** Written comments must be submitted on or before May 28, 1999.

**ADDRESSES:** Comments may be mailed to Norman Gleichman, General Counsel, Federal Mine Safety and Health Review Commission, 1730 K Street, NW, 6th Floor, Washington, DC 20006. Persons submitting comments shall provide an original and three copies of their comments.

#### FOR FURTHER INFORMATION CONTACT:

Norman M. Gleichman, General Counsel, Office of the General Counsel, 1730 K Street, NW, 6th Floor, Washington, DC 20006, telephone 202-653-5610 (202-566-2673 for TDD Relay). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:**