

date of the notice is that date shown on the notice letter as its date of issuance.

§ 1730.52 Procedures.

(a) *Referral to the Department of the Treasury.* (1) OFHEO may refer any past due, legally enforceable nonjudgment debt of an individual, organization, or entity to the Department of the Treasury for tax refund offset if OFHEO's or the referring agency's rights of action accrued more than three months but less than 10 years before the offset is made.

(2) Debts reduced to judgment may be referred at any time.

(3) Debts in amounts lower than \$25 are not subject to referral.

(4) In the event that more than one debt is owed, the tax refund offset procedures shall be applied in the order in which the debts became past due.

(5) OFHEO shall notify the Department of the Treasury of any change in the amount due promptly after receipt of payment or notice of other reductions.

(b) *Notice.* OFHEO shall provide the debtor with written notice of its intent to offset before initiating the offset. Notice shall be mailed to the debtor at the current address of the debtor, as determined from information obtained from the Internal Revenue Service pursuant to 26 U.S.C. 6103(m)(2), (4), (5) or maintained by OFHEO. The notice sent to the debtor shall state the amount of the debt and inform the debtor that:

(1) The debt is past due;

(2) OFHEO intends to refer the debt to the Department of the Treasury for offset from tax refunds that may be due to the taxpayer;

(3) OFHEO intends to provide information concerning the delinquent debt exceeding \$100 to a consumer reporting bureau unless such debt has already been disclosed; and

(4) Before the debt is reported to a consumer reporting agency, if applicable, and referred to the Department of the Treasury for offset from tax refunds, the debtor has 65 calendar days from the date of notice to request a review under paragraph (d).

(c) *Report to consumer reporting agency.* If the debtor neither pays the amount due nor presents evidence that the amount is not past due or is satisfied or stayed, OFHEO will report the debt to a consumer reporting agency at the end of the notice period, if applicable, and refer the debt to the Department of the Treasury for offset from the taxpayer's Federal tax refund. OFHEO shall certify to the Department of the Treasury that reasonable efforts have been made by OFHEO to obtain payment of such debt.

(d) *Request for review.* A debtor may request a review by OFHEO if he or she believes that all or part of the debt is not past due or is not legally enforceable, or in the case of a judgment debt, that the debt has been stayed or the amount satisfied, as follows:

(1) The debtor must send a written request for review to OFHEO at the address provided in the notice.

(2) The request must state the amount disputed and reasons why the debtor believes that the debt is not past due, is not legally enforceable, has been satisfied, or if a judgment debt, has been satisfied or stayed.

(3) The request must include any documents that the debtor wishes to be considered or state that additional information will be submitted within the time permitted.

(4) If the debtor wishes to inspect records establishing the nature and amount of the debt, the debtor must make a written request to OFHEO for an opportunity for such an inspection. The office holding the relevant records not exempt from disclosure shall make them available for inspection during normal business hours within one week from the date of receipt of the request.

(5) The request for review and any additional information submitted pursuant to the request must be received by OFHEO at the address stated in the notice within 65 calendar days of the date of issuance of the notice.

(6) In reaching its decision, OFHEO shall review the dispute and shall consider its records and any documentation and arguments submitted by the debtor. OFHEO shall send a written notice of its decision to the debtor. There is no administrative appeal of this decision.

(7) If the evidence presented by the debtor is considered by a non-OFHEO agent or other entities or persons acting on behalf of OFHEO, the debtor shall be accorded at least 30 calendar days from the date the agent or other entity or person determines that all or part of the debt is past due and legally enforceable to request review by OFHEO of any unresolved dispute.

(8) Any debt that previously has been reviewed pursuant to this section or any other section of this part, or that has been reduced to a judgment, may not be disputed except on the grounds of payments made or events occurring subsequent to the previous review or judgment.

Dated: June 22, 1999.

Mark A. Kinsey,

Acting Director, Office of Federal Housing Enterprise Oversight.

[FR Doc. 99-16369 Filed 6-29-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-133-AD; Amendment 39-11213; AD 99-13-51]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737-700 and -800 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) T99-13-51 that was sent previously to all known U.S. owners and operators of certain Boeing Model 737-700 and -800 series airplanes by individual telegrams. This AD requires revising the Airplane Flight Manual (AFM) to prohibit operation of the airplane under certain conditions; repetitive inspections of the tab mast fitting of the elevator tab assemblies to detect cracking; an elevator tab freeplay check; and corrective actions, if necessary. This AD also provides for optional terminating action for certain repetitive inspections. This AD requires installing an additional fastener on the tab mast fitting, which terminates the AFM revision and extends certain repetitive inspections. This action is prompted by a report of a severe vibration incident on a Boeing Model 737-800 series airplane; inspection revealed fracturing of the elevator tab mast fitting and excessive freeplay in the elevator tab. The actions specified by this AD are intended to prevent reduced controllability of the airplane due to excessive freeplay in the elevator tab or a free tab.

DATES: Effective July 6, 1999, to all persons except those persons to whom it was made immediately effective by telegraphic AD T99-13-51, issued June 10, 1999, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 6, 1999.

Comments for inclusion in the Rules Docket must be received on or before August 30, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-133-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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:

Gregory L. Schneider, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2028; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION: On June 10, 1999, the FAA issued telegraphic AD T99-13-51, which is applicable to certain Boeing Model 737-700 and -800 series airplanes.

Background

On June 2, 1999, the FAA received a report of a severe vibration incident on a Boeing Model 737-800 series airplane, which had accumulated 3,517 total flight hours and 1,284 total flight cycles. The airplane was involved in a high-speed descent with speed brakes extended while operating at an airspeed of 320 knots. During the descent, severe vibration occurred at 250 knots. At 230 knots, the speed brakes were retracted and the vibration stopped. The landing was uneventful.

Inspection of the airplane revealed that the upper flange of the right elevator tab mast fitting, to which the elevator tab push rods are attached, was found fractured. The lower flange of the fitting was not damaged. In addition, excessive freeplay in the elevator tab also was observed and measured during the inspection.

Further analysis confirmed that the damage to the fitting was aggravated by speed brake induced airframe vibrations. Such vibration could lead to damage of the elevator tab mast fitting, excessive freeplay in the tab, and consequent separation of the tab mast fitting from the tab. Excessive freeplay in the tab could result in severe airframe vibrations and consequent damage to the tab, elevator, and horizontal

stabilizer. Separation of the elevator tab mast fitting will result in a free tab. These conditions, if not corrected, could result in reduced controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 737-55A1068, dated June 9, 1999, which describes procedures for repetitive high frequency eddy current (HFEC) inspections of the tab mast fitting of the left and right elevator tab assembly to detect cracking, and a one-time elevator tab freeplay check to detect excessive freeplay of the elevator tab; and corrective actions, if necessary. The alert service bulletin also describes procedures for installing an additional high-strength fastener on the tab mast fitting (time-limited modification).

In addition, the alert service bulletin references removing and replacing the cracked tab mast fitting with a new, improved fitting. Such replacement, if accomplished, eliminates the need for the repetitive inspections.

Explanation of Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, this airworthiness directive is issued to require revising the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to prohibit operation of the airplane at certain airspeeds with the speed brakes extended, and at certain altitudes.

This AD also requires repetitive HFEC inspections of the tab mast fitting of the left and right elevator tab assembly to detect cracking, and a one-time elevator tab freeplay check to detect excessive freeplay of the elevator tab; and corrective actions, if necessary. This AD also provides for optional terminating action for the repetitive HFEC inspections.

Certain actions are required to be accomplished in accordance with the alert service bulletin described previously.

Additionally, this AD requires installing an additional high-strength fastener on the tab mast fitting (time-limited modification). Such installation terminates the AFM revision and allows extension of the repetitive interval for accomplishment of the HFEC inspections.

It should be noted that, although this AD prohibits the deployment of the spoilers at speeds in excess of 310 knots indicated airspeed (IAS), the FAA recognizes that under emergency

circumstances, previous pilot training and human factors could result in deployment of the spoilers at such speeds notwithstanding the AFM prohibition. In this event, this AD requires accomplishment of the HFEC inspection of the tab mast fitting and of the check of the tab for freeplay prior to further flight after landing.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued on June 10, 1999, to all known U.S. owners and operators of Boeing Model 737-700 and -800 series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Interim Action

In the preamble to AD T99-13-51, the FAA indicated that the actions required by that AD were considered to be interim action and that the FAA may consider further rulemaking to require replacement of the tab mast fitting with a new, improved fitting.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99-NM-133-AD." The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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:

99-13-51 Boeing: Amendment 39-11213.
Docket 99-NM-133-AD.

Applicability: Model 737-700 and -800 series airplanes having line numbers 1 through 190, 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 prevent reduced controllability of the airplane due to excessive freeplay in the elevator tab or a free tab, accomplish the following:

Airplane Flight Manual (AFM) Revision

(a) Within 24 clock hours after the effective date of this AD, revise the Limitations Section of the FAA-approved AFM to include the following information. This may be accomplished by inserting a copy of this AD into the AFM.

Do not operate the airplane at speeds in excess of 310 knots indicated airspeed (IAS) with speed brakes extended. Do not operate the airplane above FL 390.

(b) In the event of deployment of the speed brakes at speeds in excess of 310 knots indicated airspeed (IAS), prior to further flight after landing, accomplish the requirements of paragraph (c) of this AD.

Inspection and Check

(c) Within 10 days after the effective date of this AD, perform a high frequency eddy current (HFEC) inspection of the tab mast fitting of the left and right elevator tab assembly to detect cracking, and a one-time elevator tab freeplay check to detect freeplay of the elevator tab, in accordance with Boeing Alert Service Bulletin 737-55A1068, dated June 9, 1999.

(1) If no cracking is found in the elevator tab mast fitting, repeat the HFEC inspection thereafter at intervals not to exceed 15 days, until accomplishment of the actions required by paragraph (d) of this AD.

(2) If any cracking is found in the elevator tab mast fitting, prior to further flight, accomplish the requirements of paragraph (e) of this AD.

(3) If any freeplay is found that is outside the limits specified in the alert service bulletin, prior to further flight, perform corrective actions in accordance with the alert service bulletin.

Note 2: Boeing Alert Service Bulletin 737-55A1068, dated June 9, 1999, references

Boeing Model 737-600/-700/-800 Maintenance Manual (AMM), Subjects 27-09-91, 27-31-00, and 51-21-99; 737 Nondestructive Test (NDT) Manual D6-37239, Part 6, Subject 55-00-00; 737 Structural Repair Manual (SRM) Subject 51-20-81; and Operations Manual Service Bulletin D6-27370-TBC ("Elevator Tab Operational Limitations"), dated June 10, 1999; as additional sources of service information to accomplish certain requirements of this AD.

Time-Limited Modification

(d) Within 90 days after the effective date of this AD, install an additional high-strength fastener on the elevator tab mast fitting in accordance with Boeing Alert Service Bulletin 737-55A1068, dated June 9, 1999. Accomplishment of this modification constitutes terminating action for the requirements of paragraph (b) of this AD. Following accomplishment of the installation, the AFM revision required by paragraph (a) of this AD may be removed from the AFM. Following accomplishment of the installation, repeat the HFEC inspection required by paragraph (c) of this AD thereafter at intervals not to exceed 90 days until accomplishment of paragraph (e) of this AD.

Replacement

(e) Replacement of the elevator tab mast fitting with a new, improved fitting 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 this AD.

Spares

(f) As of receipt of this AD, no elevator tab mast fitting, part numbers (P/N) 185A400-1 or 185A400-2, shall be installed on any airplane.

Alternative Methods of Compliance

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

Note 3: 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

(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.

Incorporation by Reference

(i) The inspections, check, and time-limited modification shall be done in accordance with Boeing Alert Service Bulletin 737-55A1068, dated June 9, 1999. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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.

(j) This amendment becomes effective on July 6, 1999, to all persons except those persons to whom it was made immediately effective by telegraphic AD T99-13-51, issued on June 10, 1999, which contained the requirements of this amendment.

Issued in Renton, Washington, on June 22, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-16325 Filed 6-29-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-243-AD; Amendment 39-11214; AD 99-14-05]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 777-200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 777-200 series airplanes, that requires inspections to verify correct installation of certain fasteners located on the trailing edges of the horizontal and vertical stabilizer; replacement of the existing fasteners with new fasteners installed with wet sealant; and follow-on actions, if necessary. This amendment is prompted by reports indicating that, during manufacture of the horizontal and vertical stabilizers, certain fasteners attaching the aluminum ribs and brackets to the trailing edges on the empennage were not correctly installed with wet sealant. The actions specified by this AD are intended to prevent corrosion and possible cracking of those aluminum parts, which could result in loss of the attachment of the elevator and rudder to the empennage and consequent reduced controllability of the airplane.

DATES: Effective August 4, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director

of the Federal Register as of August 4, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. 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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stan Wood, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2772; 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 certain Boeing Model 777-200 series airplanes was published in the **Federal Register** on October 14, 1998 (63 FR 55065). That action proposed to require inspections to verify correct installation of certain fasteners located on the trailing edges of the horizontal and vertical stabilizer; replacement of the existing fasteners with new fasteners installed with wet sealant; and follow-on actions, if necessary.

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.

One commenter supports the proposed rule; another commenter indicates that it is not affected by the proposed rule.

Request To Extend Compliance Time

One commenter (an operator) requests that the FAA extend the proposed compliance time for accomplishment of the actions from five years to six years since the date of manufacture of the airplane. The commenter indicates that its airplanes were delivered in February and March 1996, which would require the inspections to be accomplished within 2.2 years. In support of the request for extension, if approved by the FAA, the commenter states that it will immediately apply corrosion inhibiting compound to the area, inspect the fastener holes for corrosion after oversizing, and remove any detected corrosion.

The FAA does not concur with the commenter's request and proposal. If the fasteners were not correctly installed with wet sealant in production, the application of corrosion inhibiting compound prior to further flight would have limited effectiveness for corrosion prevention. In light of the fact that there is continued degradation of the structure due to corrosion, the FAA has determined that a one year extension is not warranted. No change to the final rule is necessary in this regard.

Request To Revise Cost Impact Information

One commenter requests that the cost impact information for accomplishment of the inspections of the horizontal and vertical stabilizer as stated in the proposed rule be revised to reflect the work hours and associated costs specified in the service bulletin. The commenter also states that the work hours and cost for replacement of any incorrectly installed fasteners, in addition to the cost for the fastener repair kit, should be included in the economic analysis.

The FAA does not concur that a change to the cost impact information is necessary. The inspections of the horizontal and vertical stabilizer that the commenter refers to are inspections that must be accomplished to detect incorrect installation of any fasteners. The cost impact information, restated below, describes only the "direct" costs of the specific actions required by this AD. The number of work hours represents the time necessary to perform only the inspections actually required by this AD. The FAA recognizes that, in accomplishing the requirements of any AD, operators may incur "incidental" costs in addition to the "direct" costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time required to gain access and close up; planning time; or time necessitated by other administrative actions.

In addition, the economic analysis of the AD is limited to the cost of actions actually required by the rule. It does not consider the costs of "on condition" actions such as replacement of an incorrectly installed fastener if one is detected during a required inspection ("replace, if necessary"). Such "on-condition" replacement would be required to be accomplished regardless of AD direction, in order to correct an unsafe condition identified in an airplane and to ensure operation of that airplane in an airworthy condition, as required by the Federal Aviation Regulations.