

regulate intrastate movement of horses unless an extraordinary emergency is declared. Therefore, EIA reactors sold intrastate are normally outside of our jurisdiction. However, any facility that deals in EIA reactors sold interstate must be approved by APHIS and abide by this rule.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule without change.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

The regulations in 9 CFR part 71 require that any horses classified as EIA reactors and accepted by a facility for sale are to be placed in quarantine pens at least 200 yards from all non-EIA-reactor horses or other animals, unless moving out of the facility within 24 hours of arrival. This rule removes the "less-than-24-hours" exemption: Quarantine will be required regardless of the length of time between an EIA reactor's arrival and departure from a facility. This rule also amends the regulations by requiring that EIA reactors be quarantined at least 200 yards away from all horses that are not reactors, rather than at least 200 yards away from all other animals.

Facilities that buy and sell horses are included in the Small Business Administration's SIC (Standard Industrial Classification) category "Livestock Services, Except Veterinary." Firms in this category with annual receipts of less than \$5 million are considered small entities. It is likely that most, if not all, of the approximately 200 facilities that buy and sell horses are "small" under this definition.

Most facilities that buy and sell horses already have quarantine pens, in accordance with current regulations. The estimated 20 percent that do not have quarantine pens could build or modify existing pens for quarantine use at a relatively minor cost: APHIS estimates that, at most, construction of a quarantine pen would cost about \$1,000.

However, costs of quarantine pen construction are not attributable to this rule because quarantine, per se, is not a new requirement. Only those facilities that accept EIA reactors and that in the past have always moved all EIA reactors within 24 hours of arrival would need

to construct or modify pens for quarantine purposes as a consequence of this rule. As no facility can always be certain of movement of EIA reactors within 24 hours, no costs should be incurred strictly because of this rule. Moreover, by requiring all EIA reactors at approved livestock facilities to be quarantined, the horse industry in general will benefit from a further reduction in the risk of EIA transmission.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 71

Animal diseases, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 71 is amended as follows:

PART 71—GENERAL PROVISIONS

1. The authority citation for part 71 continues to read as follows:

Authority: 21 U.S.C. 111–113, 114a, 114a–1, 115–117, 120–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 71.20 [Amended]

2. In § 71.20, paragraph (a), in the sample agreement, paragraph (16)(ii) is amended by removing the words "or other animals, unless moving out of the facility within 24 hours of arrival."

Done in Washington, DC, this 9th day of June 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–15749 Filed 6–11–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–110–AD; Amendment 39–10577; AD 98–12–23]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model H.P. 137 Jetstream Mk. 1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain British Aerospace (BAe) Model H.P. 137 Jetstream Mk. 1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 series airplanes. This AD requires replacing the windshield wiper arm attachment bolts and windshield wiper arm on all of the affected airplanes; and measuring the material thickness of the upper and lower toggle attachment brackets on the nose landing gear of the affected airplanes, and replacing the toggle attachment bracket lugs. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to prevent the windshield wiper arm from corroding, detaching from the airplane during flight, and penetrating the fuselage, which could result in possible injury to the pilot and passengers; and to prevent collapse of the nose landing gear caused by design deficiency, which could result in loss of control of the airplane during landing operations.

DATES: Effective July 28, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 28, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland;

telephone: (01292) 479888; facsimile: (01292) 479703. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-110-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. S. M. Nagarajan, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6934; facsimile: (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain BAe Model H.P. 137 Jetstream Mk. 1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 series airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 26, 1998 (63 FR 14656). The NPRM proposed to require replacing the windshield wiper arm and windshield wiper arm attachment bolt; and measuring the outer wall thickness of the nose landing gear (NLG) toggle bracket lugs and axle bracket lugs. The AD also proposed replacing the toggle bracket lugs and axle bracket lugs prior to further flight or at the end of their fatigue life limit, depending on the condition of the parts. Accomplishment of the proposed actions as specified in the NPRM would be in accordance with the following:—Jetstream Series 3100/3200 Service Bulletin (SB) 30-JA 950641, which incorporates the following pages:

Pages	Revision level	Date
1	Revision 1	March 18, 1997.
2 through 8 ...	Revision 2	March 18, 1997.

This service bulletin specifies following the procedures provided in Rosemount Aerospace Inc. Service Bulletin No. 2314M-30-16, dated December, 1996;

—APPH Precision Hydraulics SB No. 32-66, which incorporates the following pages:

Pages	Revision level	Date
1, 3, 4, and 5	Revision 1	October 1996.

Pages	Revision level	Date
2 and 6	Revision 2	March 1997.

This service bulletin is referenced in Accomplishment Instructions section of Jetstream Series 3100/3200 Alert Service Bulletin No. 32-JA 960601, Original Issue: October 25, 1996, Revision No. 1: dated April 11, 1997.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 314 airplanes in the U.S. registry will be affected by the windshield wiper portion of this AD, that it will take approximately 2 workhours per airplane to accomplish the replacement required by this AD, and that the average labor rate is approximately \$60 an hour. Parts will be provided at no cost. Based on these figures, the total cost impact for the windshield wiper portion of this AD on U.S. operators is estimated to be \$37,680, or \$120 per airplane.

The FAA estimates that 284 airplanes in the U.S. registry will be affected by the nose landing gear portion of this AD, that it will take approximately 2 workhours per airplane to accomplish the measurement required by this AD, and that the average labor rate is approximately \$60 an hour. The cost impact only takes into account the cost of the initial inspection. The FAA has no way to determine the number of parts that may be found damaged or in need of replacement as a result of the initial inspection. Therefore, the FAA is not approximating the cost of parts or the workhours to accomplish a part replacement for this AD. Based on these figures, the total cost impact for the inspection of the nose landing gear

portion of this AD on U.S. operators is estimated to be \$34,080, or \$120 per airplane.

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 copy of the final 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, 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 a new airworthiness directive (AD) to read as follows:

98-12-23 British Aerospace: Amendment 39-10577; Docket No. 97-CE-110-AD.

Applicability: Model H.P. 137 Jetstream Mk. 1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 series airplanes, all serial numbers, 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 (d) 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 the windshield wiper arm from corroding, detaching from the airplane during flight, and penetrating the fuselage, which, if not corrected, could result in possible injury to pilot and passengers; and to prevent collapse of the nose landing gear caused by design deficiency, which could result in loss of control of the airplane during landing operations, accomplish the following:

(a) Within the next 90 days after the effective date of this AD, replace the windshield wiper arm and windshield wiper attachment bolt in accordance with the Accomplishment Instructions section in Jetstream Series 3100/3200 Service Bulletin (SB) 30-JA 950641, which incorporates the following pages:

Pages	Revision level	Date
1	Revision 1	March 18, 1997.
2 through 8 ...	Revision 2	March 18, 1997.

This service bulletin specifies following the procedures provided in the Accomplishment Instructions section of Rosemount Aerospace Inc. Service Bulletin No. 2314M-30-16, dated December 1996.

(b) Within the next 90 days after the effective date of this AD, measure the outer wall thickness of the nose landing gear (NLG) toggle bracket lugs and the axle bracket lugs in accordance with the Accomplishment Instructions in APPH Precision Hydraulics SB No. 32-66, which incorporates the following pages:

Pages	Revision level	Date
1, 3, 4, and 5	Revision 1	October 1996.
2 and 6	Revision 2	March 1997.

Note 2: The APPH SB is referenced in the Accomplishment Instructions in Jetstream Series 3100/3200 Alert Service Bulletin No. 32-JA 960601, Revision No. 1, April 11, 1997, Original Issue, October 25, 1996.

(1) Prior to further flight, replace the NLG toggle bracket lugs and axle bracket lugs, if the measurements of the outer wall thickness do not meet the criteria set out in the Table contained in paragraph B. (5) of the Accomplishment Instructions section in APPH Precision Hydraulics SB No. 32-66, as referenced in paragraph (b) of this AD.

(2) If the measurements of the outer wall thickness are within the criteria set out in the Table contained in paragraph B. (5) of the Accomplishment Instructions section in APPH Precision Hydraulics SB 32-66, as referenced in paragraph (b) of this AD, replace the NLG toggle bracket lugs and axle bracket lugs at the end of the fatigue life limits of the part, as specified in the Table referenced above, or within the next 50 landings after the measurement is taken, whichever occurs later.

Note 3: The compliance time in this AD takes precedence over the compliance times published in the applicable service bulletins.

(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.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to the service information referenced in this AD should be directed to British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone (01292) 79888; facsimile (01292) 671715. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) The replacements required by this AD shall be done in accordance with Jetstream Series 3100/3200 Service Bulletin 30-JA 950641, which incorporates the following pages:

Pages	Revision level	Date
1	Revision 1	March 18, 1997.
2 through 8 ...	Revision 2	March 18, 1997.

This service bulletin specifies following the procedures provided in Rosemount Aerospace Inc. Service Bulletin No. 2314M-30-16, dated December, 1996;

—APPH Precision Hydraulics Service Bulletin No. 32-66, which incorporates the following pages:

Pages	Revision level	Date
1, 3, 4, and 5	Revision 1	October 1996.
2 and 6	Revision 2	March 1997.

This service bulletin is referenced in Accomplishment Instructions section of Jetstream Series 3100/3200 Alert Service Bulletin No. 32-JA 960601, Original Issue: October 25, 1996, Revision No. 1: dated April 11, 1997.

(1) 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.

(2) Copies may be obtained from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in British AD 002-10-96, not dated, for the nose landing gear condition; and British AD 006-08-96, not dated, for the windshield wiper condition.

(g) This amendment becomes effective on July 28, 1998.

Issued in Kansas City, Missouri, on June 3, 1998.

Ronald K. Rathgeber,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-15360 Filed 6-11-98; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-CE-54-AD; Amendment 39-10584; AD 98-12-31]

RIN 2120-AA64

Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain British Aerospace Jetstream Model 3101 airplanes. This AD requires repositioning the fuel cross feed pipes in the lower center fuselage to give an overall clearance of 2 inches when measuring from the bottom of Frame Station 223. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified in this AD are intended to prevent the fuel pipe from fracturing during a wheels up landing because of the positioning of the fuel cross feed pipes, which could result in an airplane fire.