

NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998; include the serial number of the airplane, the number of total flight hours and flight cycles accumulated on the airplane, and the location of the electrical cable on the airplane.

(2) For airplanes that are inspected after the effective date of this AD, submit the serial number of the airplane, the number of total flight hours and flight cycles accumulated on the airplane, and the location of the electrical cable on the airplane to the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; fax (425) 227-1181.

(l)(1) 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.

(l)(2) Alternative methods of compliance, approved previously in accordance with telegraphic AD T98-10-51 or telegraphic AD T98-11-51 are approved as alternative methods of compliance with this AD.

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

(m) 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.

(n) The actions shall be done in accordance with Boeing Alert Service Bulletin 737-28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998. 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.

(o) This amendment becomes effective on June 29, 1998, to all persons except those persons to whom it was made immediately effective by telegraphic AD T98-11-52, issued on May 14, 1998, which contained the requirements of this amendment.

Issued in Renton, Washington, on June 12, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-16308 Filed 6-23-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-181-AD; Amendment 39-10625; AD 98-13-34]

RIN 2120-AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER), Model EMB-145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all EMBRAER Model EMB-145 series airplanes. This action requires repetitive emergency extension (free-fall) functional tests of the nose landing gear (NLG), and lubrication of all NLG hinge points, to ensure that the NLG extends and locks down properly; 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 prevent failure of the NLG to extend and lock down properly, which could result in damage to the airplane structure, and consequent reduced controllability of the airplane upon landing.

DATES: Effective July 9, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 9, 1998.

Comments for inclusion in the Rules Docket must be received on or before July 24, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-181-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Curtis Jackson, Aerospace Engineer, Airframe and Propulsion Branch, ACE-117A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6083; fax (770) 703-6097.

SUPPLEMENTARY INFORMATION: The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on all EMBRAER Model EMB-145 series airplanes. The DAC advises that it has received a report indicating that the nose landing gear (NLG) on a Model EMB-145 series airplane failed to extend and lock down upon landing, even after accomplishment of the procedures for abnormal emergency landing gear extension by the override switch and free-fall mechanism. As a result, the airplane landed with the NLG not fully locked in the down position, which resulted in minor damage to the airplane structure. The exact cause of the failure of the NLG to extend and lock down properly has not been determined at this time. This condition, if not corrected, could result in damage to the airplane structure, and consequent reduced controllability of the airplane upon landing.

Explanation of Relevant Service Information

EMBRAER has issued Alert Service Bulletin 145-32-A029, dated April 15, 1998, which describes procedures for performing repetitive emergency extension (free-fall) functional tests of the NLG, and lubrication of all NLG hinge points, to ensure that the NLG extends and locks down properly; and corrective action, if necessary. Corrective actions include performing a normal system functional test of the NLG for five cycles, and repeating the emergency extension functional test of the NLG.

EMBRAER Alert Service Bulletin 145-32-A029, dated April 15, 1998, references two chapters in the EMBRAER Aircraft Maintenance Manual (AMM) as additional sources of information to accomplish the functional test procedures. Chapter 32-34-00 of the AMM describes procedures for the emergency extension (free-fall) functional test, and Chapter 32-30-00 of the AMM describes procedures for the normal system functional extension test.

The DAC classified this alert service bulletin as mandatory and issued

Brazilian airworthiness directive 98-05-01, dated May 12, 1998, in order to assure the continued airworthiness of these airplanes in Brazil.

FAA's Conclusions

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent failure of the NLG to extend and lock down properly, which could result in damage to the airplane structure, and consequent reduced controllability of the airplane upon landing. This AD requires accomplishment of the actions specified in the alert service bulletin described previously, except as described below.

Differences Between the AD and the Relevant Service Information

Operators should note that, although the alert service bulletin recommends accomplishment of the emergency extension functional test of the NLG and lubrication of the NLG within 100 flight hours (after the release of the alert service bulletin), the FAA has determined that an interval of 50 flight hours after the effective date of this AD is a more appropriate compliance time for this AD. In consonance with the DAC, the FAA has determined that, because of the safety implications and consequences of possible failure of the NLG to extend and lock down properly upon landing, it is necessary to require a shorter compliance time to ensure the continued operational safety of the fleet.

Operators also should note that the Brazilian airworthiness directive and the EMBRAER alert service bulletin specify that if any discrepancy is found on an airplane, it should be reported immediately to the manufacturer to await instructions before the airplane is returned to service. However, in light of the type of corrective action required to address the identified unsafe condition,

and in consonance with existing bilateral airworthiness agreements, the FAA has determined that for this AD, corrective action approved by either the FAA or the DAC (or its delegated agent) is acceptable for compliance with this AD.

In addition, operators should note that the alert service bulletin specifies that corrective actions be accomplished if the NLG extension time exceeds by more than 10 seconds the time limit specified in EMBRAER AMM, chapter 32-34-00. However, the FAA has determined that an additional 10-second time limit is not appropriate, and that it is necessary to limit the time allowed for the functional test to a 30-second total time limit to ensure continued operational safety of the fleet.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

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 98-NM-181-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:

98-13-34 Empresa Brasileira de Aeronautica S.A. (EMBRAER):

Amendment 39-10625. Docket 98-NM-181-AD.

Applicability: All Model EMB-145 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 (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 nose landing gear (NLG) to extend and lock down properly, which could result in damage to the airplane structure, and consequent reduced controllability of the airplane upon landing, accomplish the following:

(a) Within 50 flight hours after the effective date of this AD, perform an emergency extension (free-fall) functional test of the NLG, to ensure that the mechanism extends and locks down properly, in accordance with EMBRAER Alert Service Bulletin 145-32-A029, dated April 15, 1998. Repeat the functional test and lubrication procedures thereafter at intervals not to exceed every "A" check, but no later than 400 flight cycles.

Note 2: The alert service bulletin references EMBRAER Aircraft Maintenance Manual (AMM), Chapter 32-34-00, as an additional source of service information for accomplishment of the emergency extension functional test.

(1) If the extension time of the landing gear is within 30 seconds, prior to further flight, lubricate all NLG hinge points in accordance with Figure 1 of the Accomplishment Instructions of the alert service bulletin.

(2) If the extension time of the landing gear exceeds 30 seconds, prior to further flight, accomplish the requirements of paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Lubricate all NLG hinge points in accordance with Figure 1 of the Accomplishment Instructions of the alert service bulletin. And

(ii) Perform a normal system functional test of the NLG for five cycles, and repeat the emergency extension functional test specified by paragraph (a) of this AD. If the extension and locking time still exceeds 30 seconds, prior to further flight, repair in accordance with a method approved by either the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate, or

the Departamento de Aviação Civil (DAC) (or its delegated agent).

Note 3: The alert service bulletin references EMBRAER AMM, Chapter 32-30-00, as an additional source of service information for accomplishment of the normal system functional test.

(3) If any malfunction other than that specified in paragraph (a)(2) of this AD is detected, prior to further flight, repair in accordance with a method approved by the Manager, Atlanta ACO, or the DAC (or its delegated agent).

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

(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) The tests and lubrication shall be done in accordance with EMBRAER Alert Service Bulletin 145-32-A029, dated April 15, 1998. 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 Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; 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 Brazilian airworthiness directive 98-05-01, dated May 12, 1998.

(e) This amendment becomes effective on July 9, 1998.

Issued in Renton, Washington, on June 16, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-16497 Filed 6-23-98; 8:45 am]

BILLING CODE 4910-13-U

ACTION: Notice of suspension of applicability of certain requirements.

SUMMARY: The Agency is temporarily suspending the application of certain requirements governing program status and on-campus and off-campus employment for J-1 students whose means of financial support, as reflected on their Form IAP-66, Certificate of Eligibility for Exchange Visitor Status, is from Indonesia, South Korea, Malaysia, Thailand, or the Philippines. This action is necessary to mitigate the adverse impact upon these students due to the sharp and sudden drop in the value of the currencies of Indonesia, South Korea, Malaysia, Thailand, and the Philippines.

DATES: This action is effective June 24, 1998 and will remain in effect until rescinded.

FOR FURTHER INFORMATION CONTACT: Sally Lawrence, Program Designation Branch Chief, Office of Exchange Visitor Program Services, United States Information Agency, 301 4th Street, SW, Washington, DC 20547; Telephone (202) 401-9823.

SUPPLEMENTARY INFORMATION: Over the past several months, the currencies of Indonesia, South Korea, Malaysia, Thailand, and the Philippines have suffered a severe drop in value relative to the United States dollar. This economic crisis in their home countries has in turn affected Exchange Visitor Program college and university students studying in the United States. These students, many of whom are dependent upon financial support originating in their home country have found themselves without funds. To ameliorate the hardship arising from this lack of financial support and facilitate these students continued studies, the Agency is suspending the application of the full course of study requirement set forth at 22 CFR 514.23(e) and the application of the requirements governing student employment set forth at 22 CFR 514.23(g) effective June 24, 1998 until rescinded.

College and university students in J-1 status whose means of financial support comes from Indonesia, South Korea, Malaysia, Thailand, or the Philippines and whose financial support has been disrupted, reduced, or eliminated due to the economic crisis in their home country may be authorized to pursue full-time or part-time on-campus or off-campus employment by their responsible officers. A reduction in course load may be necessary for some students due to employment and accordingly, such students will be

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange Visitor Program

AGENCY: United States Information Agency.