

recordkeeping requirements, Transportation.

Accordingly, we are amending 9 CFR part 78 as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continues to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 78.1, in the definition of *Class Free State or area*, a new paragraph (b)(4) is added to read as follows:

§ 78.1 Definitions.

* * * * *

Class free State or area. * * *

(b) * * *

(4) *Retaining Class Free status.* (i) If a single herd in a Class Free State is found to be affected with brucellosis, the State may retain its Class Free status if it meets the conditions of this paragraph. A State may retain its status in this manner only once during any 2-year period. The following conditions must be satisfied within 60 days of the date an animal in the herd is determined to be infected:

(A) The affected herd must be immediately quarantined, tested for brucellosis, and depopulated; and

(B) An epidemiological investigation must be performed and the investigation must confirm that brucellosis has not spread from the affected herd. All herds on premises adjacent to the affected herd (adjacent herds), all herds from which animals may have been brought into the affected herd (source herds), and all herds that may have had contact with or accepted animals from the affected herd (contact herds) must be epidemiologically investigated, and each of those herds must be placed under an approved individual herd plan. If the investigating epidemiologist determines that a herd blood test for a particular adjacent herd, source herd, or contact herd is not warranted, the epidemiologist must include that determination, and the reasons supporting it, in the individual herd plan.

(ii) After the close of the 60-day period following the date an animal in the herd is determined to be infected, APHIS will conduct a review to confirm that the requirements of paragraph (b)(4)(i) have been satisfied and that the State is in compliance with all other applicable provisions.

* * * * *

Done in Washington, DC, this 24th day of March 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–7804 Filed 3–30–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 98–097–2]

Brucellosis in Cattle; State and Area Classifications; Mississippi

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Mississippi from Class A to Class Free. We have determined that Mississippi meets the standards for Class Free status. The interim rule relieved certain restrictions on the interstate movement of cattle from Mississippi.

EFFECTIVE DATE: The interim rule became effective on October 7, 1998.

FOR FURTHER INFORMATION CONTACT: Dr. R.T. Rollo, Jr., Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737–1231; (301) 734–7709; or e-mail: reed.t.rollo@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on October 7, 1998 (63 FR 53780–53781, Docket No. 98–097–1), we amended the brucellosis regulations in 9 CFR part 78 by removing Mississippi from the list of Class A States or areas in § 78.41(b) and adding it to the list of Class Free States or areas in § 78.41(a).

Comments on the interim rule were required to be received on or before December 7, 1998. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 78 and that was published at 63 FR 53780–53781 on October 7, 1998.

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 24th day of March 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–7802 Filed 3–30–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–87–AD; Amendment 39–11097; AD 99–07–12]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, –200, and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747–100, –200, and –300 series airplanes, that requires repetitive inspections to detect cracking of certain lower lobe fuselage frames, and repair, if necessary. This amendment is prompted by reports indicating that fatigue cracks were found in lower lobe frames on the left side of the fuselage. The actions specified by this AD are intended to detect and correct fatigue cracking of certain lower lobe fuselage frames, which could lead to fatigue cracks in the fuselage skin, and consequent rapid decompression of the airplane.

DATES: Effective May 5, 1999.

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

of the Federal Register as of May 5, 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: Bob Breneman, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2776; 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 747-100, -200, and -300 series airplanes was published in the **Federal Register** on August 4, 1998 (63 FR 41483). That action proposed to require repetitive inspections to detect cracking of certain lower lobe fuselage frames, and repair, if necessary.

Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposed Rule

Two commenters support the proposed rule.

Request To Increase the Threshold and Allow Discounting of Flights Below 2.0 PSI

One commenter requests that the proposed AD be revised to reflect the threshold of 16,000 flight cycles, as recommended in Boeing Alert Service Bulletin 747-53A2408, dated April 25, 1996 (which is referenced in the proposed AD as the appropriate source of service information for accomplishment of the required actions), and to allow discounting of flight cycles less than 2.0 pounds per square inch (psi). The commenter states that the critical crack is not a severed frame, but a severed frame with a skin crack. The commenter further states that there were no reports of skin cracking associated with the cracked frames, and that analysis shows that an existing skin crack at a severed frame will not grow

to critical length prior to the inspection threshold identified in the referenced service bulletin. In addition, the fleet reports used in this analysis were adjusted to account for flights less than 2.0 psi.

The FAA does not concur with the commenter's request. As discussed under the heading "Differences Between the Proposed AD and Relevant Service Bulletin" in the preamble of the proposed AD, the FAA has received a report of cracking (i.e., a completely severed frame, consisting of the frame web, inner chord, and fail-safe chord) on an airplane that had accumulated only 15,227 total flight cycles. As a result, the FAA determined that a compliance threshold of 15,000 total flight cycles for initiating the required actions is warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

In the same regard, the FAA does not find that allowing the discount of flight cycles below 2.0 psi would adequately address the unsafe condition. The FAA has received a report of two adjacent frames being completely severed on an airplane that had accumulated 12,817 full pressure cycles, plus 8,761 cycles at less than 2.0 psi differential pressure. As stated in the NPRM, this reported cracking is more indicative of the reported findings on airplanes that had accumulated 20,000 total flight cycles. If the FAA allowed the discount of flight cycles below 2.0 psi, as recommended in the referenced service bulletin, the identified unsafe condition on that airplane would go undetected for several thousand flight cycles. Therefore, the FAA finds that no change to the final rule is necessary.

Explanation of Changes Made to the Proposal

The FAA has revised paragraph (c)(1) of the final rule to also allow repair of any crack in the subject area to be accomplished in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that the change will neither increase the economic burden on any

operator nor increase the scope of the AD.

Interim Action

This is considered to be interim action until the accomplishment of AD 93-08-12, amendment 39-8559 (58 FR 27927, May 12, 1993). That AD requires a detailed visual internal inspection to detect cracks in the Section 46 lower lobe frames, and repair, if necessary, in accordance with Boeing Service Bulletin 747-53-2349, dated June 27, 1991. The initial inspection required by AD 93-08-12 is required prior to the accumulation of 22,000 total flight cycles. The FAA now finds that earlier inspection (i.e., prior to accumulation of 15,000 total flight cycles) of the lower lobe frames is warranted, as required by this AD.

Cost Impact

There are approximately 452 Model Boeing 747-100, -200, and -300 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 152 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be \$18,240, or \$120 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the 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 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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:

99-07-12 Boeing: Amendment 39-11097. Docket 97-NM-87-AD.

Applicability: Model 747-100, -200, and -300 series airplanes, as listed in Boeing Alert Service Bulletin 747-53A2408, dated April 25, 1996; 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 fatigue cracking of certain lower lobe fuselage frames, which could lead to fatigue cracks in the fuselage skin, and consequent rapid decompression of the airplane, accomplish the following:

Note 2: Although Boeing Alert Service Bulletin 747-53A2408, dated April 25, 1996, allows discount from the compliance threshold of all flight cycles at or below a cabin pressure differential of 2.0 pounds per square inch (psi), this AD requires that all flight cycles be counted.

(a) For airplanes on which the initial detailed visual internal inspection of the Section 46 lower lobe frames required by paragraph (a)(3) of AD 93-08-12, amendment

39-8559, has not been accomplished: Perform a detailed visual inspection to detect cracking of the lower lobe fuselage frames from Body Station 1820 to Body Station 2100, in accordance with Boeing Alert Service Bulletin 747-53A2408, dated April 25, 1996, at the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD:

- (1) Prior to the accumulation of 15,000 total flight cycles; or
- (2) Within 1,500 flight cycles or 18 months after the effective date of this AD, whichever occurs first.

Note 3: Paragraph (a)(3) of AD 93-08-12 requires a detailed visual internal inspection to detect cracks in the Section 46 lower lobe frames, in accordance with Boeing Service Bulletin 747-53-2349, dated June 27, 1991. The initial inspection is required prior to the accumulation of 22,000 total flight cycles, or within 1,000 flight cycles after June 11, 1993 (the effective date of AD 93-08-12), whichever occurs later.

Repetitive Inspections

(b) If no cracking is detected during the inspection required by paragraph (a) of this AD, repeat the inspection thereafter at intervals not to exceed 3,000 flight cycles.

Corrective Actions

(c) If any cracking is detected during any inspection required by paragraph (a) of this AD, prior to further flight, accomplish paragraphs (c)(1) and (c)(2) of this AD:

(1) Within 20 inches of the crack location on the frame, perform a detailed visual inspection of the adjacent structure to detect cracking. If any cracking is detected, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate; the Boeing 747 Structural Repair Manual; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings.

(2) Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 3,000 flight cycles.

Optional Terminating Inspection

(d) Accomplishment of the initial detailed visual internal inspection of the Section 46 lower lobe frames required by paragraph (a)(3) of AD 93-08-12 constitutes terminating action for the requirements of this AD.

Alternative Methods of Compliance

(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, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. 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 4: 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

(f) Special flight permits may be issued in accordance with §§ 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

(g) Except as provided by paragraphs (c)(1) and (d) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 747-53A2408, dated April 25, 1996. 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.

(h) This amendment becomes effective on May 5, 1999.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-7554 Filed 3-30-99; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99-ACE-4]

Amendment to Class E Airspace; Mexico, MO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Mexico, MO.

DATES: The direct final rule published at 64 FR 6799 is effective on 0901 UTC, May 20, 1999.

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

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 11, 1999 (64 FR 6799). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse