

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This rule adds Memphis, TN, to the list of limited ports of entry for semen, embryos, and products of horses, ruminants, and swine. We have determined that Memphis, TN, meets the requirements for being designated as a limited port of entry that has inspection facilities for semen, embryos, and products of horses, ruminants, and swine. However it does not have the facilities necessary to be designated as a port of entry for live animals.

Adding and removing limited ports, according to need, is a continuing program in APHIS. In this case, the designation of Memphis, TN, as a new limited port of entry will facilitate small U.S. importers of semen, embryos, and products of horses, ruminants, and swine in the surrounding area by making it logistically easier for them. Until now, the closest limited ports of entry to Tennessee and the surrounding States were in Chicago, IL, and Toledo, OH, to the north; Atlanta, GA, New Orleans, LA, and Tampa, FL, to the south; and nothing in between.

Memphis, TN, serves as the first point of entry for Federal Express, which is a major international carrier of air freight. By designating Memphis, TN, as a new limited port, U.S. importers of semen, embryos, and products of horses, ruminants, and swine in a broader area of the United States will be connected by air.

This rule will produce no significant budgetary effect on the Federal Government, since APHIS will assign personnel to the port of Memphis, TN, on an "as needed" basis only.

The Regulatory Flexibility Act requires that agencies consider the economic effect of rules on small businesses, organizations, and governmental jurisdictions. Businesses and organizations affected by this addition of a limited port of entry will be livestock producers in the area of Tennessee and the surrounding States. It is not known how many of those entities are small under the U.S. Small Business Administration's standards; however the effects will only be positive due to the closer distance, faster service, and the direct connection with an international air freight carrier.

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*9 CFR Part 93*

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

9 CFR Part 98

Animal diseases, Imports.

Accordingly, we are amending 9 CFR parts 93 and 98 as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

1. The authority citation for part 93 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

§ 93.303 [Amended]

2. In § 93.303, paragraph (d) is amended by adding "Memphis, Tennessee (no live animals);" immediately after "Puerto Rico;"

§ 93.403 [Amended]

3. In § 93.403, paragraph (e) is amended by adding "Memphis, Tennessee (no live animals);" immediately after "Puerto Rico;"

§ 93.503 [Amended]

4. In § 93.503, paragraph (e) is amended by adding "Memphis, Tennessee (no live animals);" immediately after "Puerto Rico;"

PART 98—IMPORTATION OF CERTAIN ANIMAL EMBRYOS AND ANIMAL SEMEN

5. The authority citation for part 98 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 103–105, 111, 134a, 134b, 134c, 134d, 134f, 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

§ 98.33 [Amended]

6. In § 98.33, paragraph (d) is amended by adding "Memphis, Tennessee;" immediately after "Puerto Rico;"

Done in Washington, DC, this 26th day of April 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–10872 Filed 4–29–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 99–NM–100–AD; Amendment 39–11154; AD 99–09–51]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 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) 99–09–51 that was sent previously to all known U.S. owners and operators of certain McDonnell Douglas Model MD–11 series airplanes by individual notices. This AD requires visual inspections under the floorboards in the lower center cargo compartment at frame 1681 to verify that a certain bracket and a certain open face nylon clamp are installed to a specific support wire bundle and to detect damage of the subject wire bundle; repair of damaged wiring; and installation of certain silicone rubber coated with a glass cloth protective wrap around the wire bundle, if necessary. This action is prompted by an incident in which the insulation

blanket between frames 1661 and 1681 in the lower center cargo compartment was found to be burnt due to a missing wiring harness support bracket/clamp on the wire bundle at frame 1681. The actions specified by this AD are intended to ensure that such a wire harness support bracket/clamp is installed; a missing bracket/clamp could cause the wire bundle to chafe against the frame, which could result in sparks, smoke, and possible fire in the lower center cargo compartment.

DATES: Effective May 5, 1999, to all persons except those persons to whom it was made immediately effective by emergency AD 99-09-51, issued on April 16, 1999, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before June 29, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-100-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Information pertaining to this amendment may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: On April 16, 1999, the FAA issued emergency AD 99-09-51, which is applicable to certain McDonnell Douglas Model MD-11 series airplanes.

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of an incident in which the insulation blanket between frames 1661 and 1681 in the lower center cargo compartment was found to be burnt.

This incident occurred on a McDonnell Douglas Model MD-11 series airplane.

Investigation revealed that a wiring harness (including wires with a 115 volt alternating current) of the aft cargo loader control unit was contacting the insulation blanket and rubbing against frame 1681 above stringer R46. A wire

was cut, and three other wires were missing insulation. In addition, frame 1681 had signs of arcing damage. Furthermore, the exposed moisture barrier material of the insulation blanket was burnt, and a hole was detected on the insulation blanket where the wiring harness was chafing against frame 1681. Further investigation revealed that a wiring harness support bracket/clamp on the wire bundle at frame 1681 may not have been installed during production of the airplane.

This incident is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD-11 series airplane. The cause of that accident is still under investigation.

A missing wiring harness support bracket/clamp on the wire bundle at frame 1681 could cause the wire bundle to chafe against the frame, which could result in sparks, smoke, and possible fire in the lower center cargo compartment.

Other Related Rulemaking

On April 9, 1999, the FAA issued a similar action (AD 99-08-51), which applies only to airplanes that are equipped with a 72-inch cargo door and use the light-weight cargo handling system. However, since the issuance of AD 99-08-51, the FAA has determined that the wire routing on airplanes that are equipped with a 72-inch cargo door and use any cargo handling system must also be inspected. Therefore, the FAA has determined that these additional airplanes also are subject to the unsafe condition identified in AD 99-08-51, and that the actions required by that AD must be accomplished on those airplanes to ensure an adequate level of safety of the affected fleet. Those airplanes are listed in the applicability of this new AD.

The FAA, in conjunction with Boeing and operators of Model MD-11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This airworthiness directive is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, this airworthiness directive is issued to require a visual inspection

to verify that, under the floorboards in the lower center cargo compartment at frame 1681, a certain bracket and a certain open face nylon clamp are installed to a specific support wire bundle. This AD also requires a visual inspection to detect damage of the subject wire bundle; repair of damaged wiring; and installation of certain silicone rubber coated with a glass cloth protective wrap around the subject wire bundle, if necessary. In addition, this AD requires that operators submit a report of the inspection results to the FAA. The repairs are required to be accomplished in accordance with the procedures specified in Chapter 20-30-01 of the McDonnell Douglas MD-11 Airplane Maintenance Manual, and Chapter 20-10-01 of the McDonnell Douglas MD-11 Wiring Diagram Manual.

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 notices issued on April 16, 1999, to all known U.S. owners and operators of certain McDonnell Douglas Model MD-11 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.

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-100-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, 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:

99-09-51 McDonnell Douglas: Amendment 39-11154. Docket 99-NM-100-AD.

Applicability: Model MD-11 series airplanes, certificated in any category; having the following fuselage/factory serial numbers:

Fuselage No.	Serial No.
447	48401
448	48402
449	48458
453	48411
454	48412
455	48449
456	48407
457	48408
461	48495
466	48416
467	48417
470	48459
475	48461
476	48434
478	48435
479	48450
484	48484
486	48499
488	48413
491	48414
492	48489
493	48500
495	48410
496	48496
497	48460
501	48418
502	48485
505	48451
506	48437
509	48486
512	48497
515	48514
516	48523
517	48547
518	48468
519	48469
520	48502
521	48548
523	48404
524	48405
525	48518
528	48503
529	48512
533	48538
539	48519
541	48520
450	48419
451	48420
452	48421
462	48505
469	48487
480	48472
481	48473
482	48481
483	48436
485	48474
489	48475
499	48490
503	48491
504	58527
507	48528
510	48476
511	48477

Fuselage No.	Serial No.
513	48501
514	48478
522	48498
526	48550
527	48551
530	48552
531	48553
535	48554
536	48479
537	48596
538	48480
540	48597
550	48598

Note 1: This AD only affects Model MD-11 series airplanes equipped with a 72-inch cargo door. Model MD-11 series airplanes equipped with a 104-inch cargo door are not subject to the unsafe condition addressed by this AD due to the configuration of the wire bundles.

Note 2: 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 (c) 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 ensure that a wire harness support bracket/clamp is installed on the wire bundle at frame 1681, accomplish the following:

(a) Within 5 days after the effective date of this AD: Perform a one-time visual inspection under the floorboards in the lower center cargo compartment at frame 1681 (approximately one inch outboard of longeron R46) to verify that a bracket having part number P/N 9D0062-3-16-24 (or equivalent), and an open face nylon clamp having P/N NMC1001-1 or 383-1 (see Figure 1, Item 14/267), are installed to support wire bundle No. AGS9110. (The nylon clamp specified in this paragraph may be a larger size, depending on the size of the wire bundle.)

(1) If the bracket and clamp are installed: Prior to further flight, perform a visual inspection to detect damage of the subject wire bundle. If any damage is detected, prior to further flight, accomplish paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(i) Repair in accordance with Chapter 20-30-01 of the McDonnell Douglas MD-11 Airplane Maintenance Manual. And

(ii) Install a silicone rubber coated with a glass cloth protective wrap [Douglas Material Specification (DMS) 2109 or equivalent] around the wire bundle(s) in the area over frame 1681 above stringer R46 in accordance with Chapter 20-10-01 of the McDonnell Douglas MD-11 Wiring Diagram Manual.

(2) If the bracket or clamp is not installed: Prior to further flight, perform a visual inspection to detect damage (i.e., chafing, damage, or missing wire insulation) of the subject wire bundle(s).

(i) If no damage is detected: Prior to further flight, install a silicone rubber coated with a glass cloth protective wrap (DMS 2109 or equivalent) around the wire bundle(s) in the area over frame 1681 above stringer R46 in accordance with Chapter 20-10-01 of the McDonnell Douglas MD-11 Wiring Diagram Manual.

(ii) If any damage is detected: Prior to further flight, accomplish the actions required by paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(b) Within 10 days after accomplishing the inspection required by paragraphs (a) and (a)(1) of this AD, submit a report of the

inspection results (both positive and negative findings) to the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712-4137; fax (562) 627-5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(c) 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, Los Angeles ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may

add comments and then send it to the Manager, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(d) 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.

(e) This amendment becomes effective on May 5, 1999, to all persons except those persons to whom it was made immediately effective by emergency AD 99-09-51, issued on April 16, 1999, which contained the requirements of this amendment.

BILLING CODE 4910-13-P

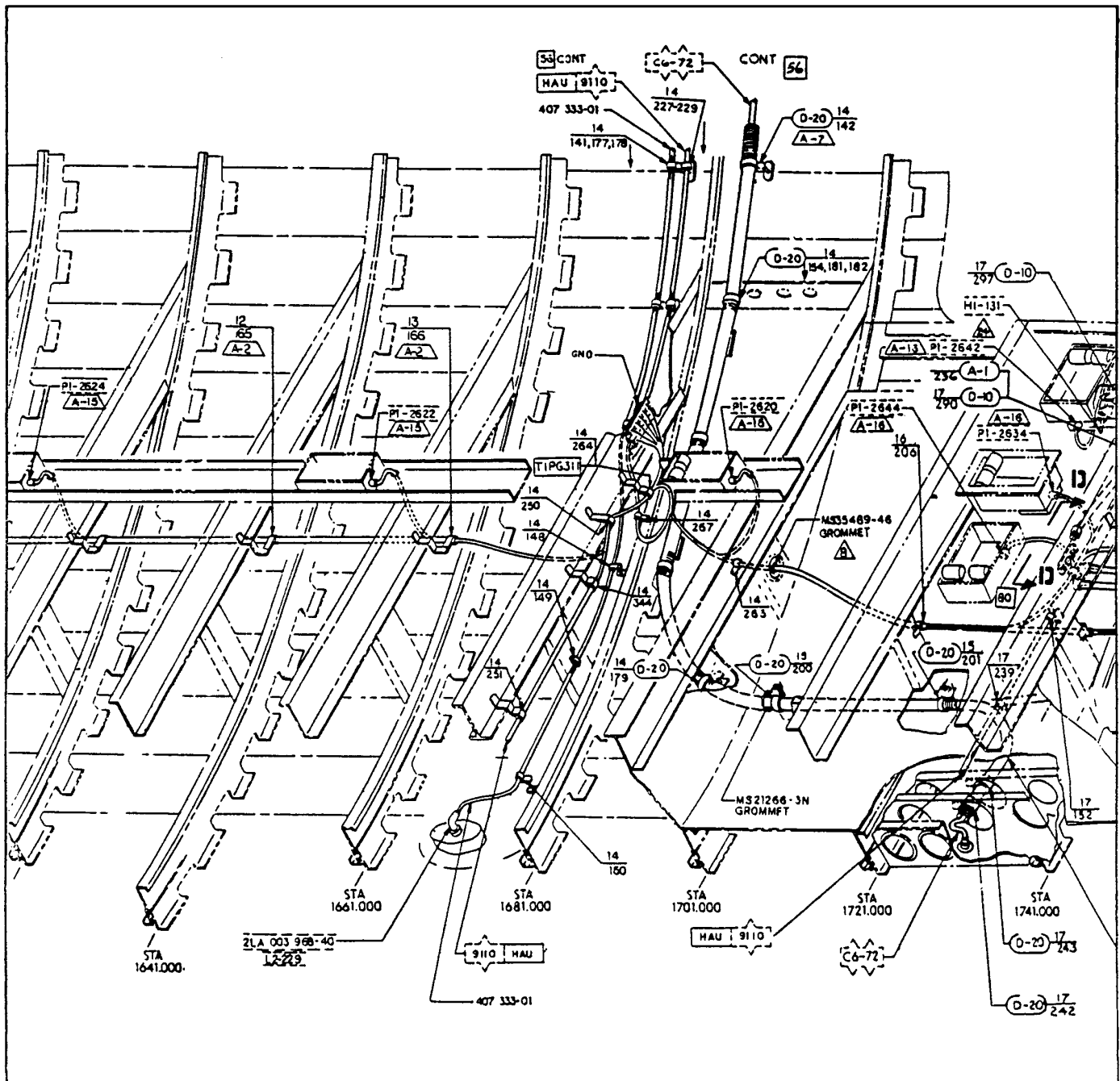


Figure 1

Issued in Renton, Washington, on April 23, 1999.

Darrell M. Pederson,
 Acting Manager, Transport Airplane
 Directorate, Aircraft Certification Service.
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