

## Conclusion

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

## Cost Impact

The FAA estimates that 51 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$18,360, or \$360 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed 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 proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 draft regulatory 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, Safety.

## The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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:

**Dornier:** Docket 96–NM–110–AD.

**Applicability:** All Model 328–100 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 (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 prevent failure of the pilot's control cables for the autopilot, elevator, rudder, aileron, and engine, which could result in reduced controllability of the airplane, accomplish the following:

(a) Prior to the accumulation of 3,000 total flight hours, or within 200 flight hours after the effective date of this AD, whichever occurs later: Perform detailed visual inspections to detect damage (extensive wear and broken wires) and discrepancies (incorrect installation and misalignment) of the control cables and fairleads/swivel guides for the autopilot, elevator, rudder, aileron, and engine; as applicable; in accordance with Dornier Alert Service Bulletin ASB–328–00–011, Revision 1, dated June 5, 1996. Repeat the inspections thereafter at intervals not to exceed 1,500 flight hours.

(1) If any damage is found that exceeds the limits specified in the alert service bulletin, prior to further flight, replace the damaged cable with a new or serviceable cable, in accordance with the alert service bulletin.

(2) If any discrepancy is found, prior to further flight, perform applicable corrective actions, in accordance with the alert service bulletin.

(b) Concurrent with the initial inspection required by paragraph (a) of this AD, perform a one-time adjustment of the tension in the autopilot control cables, in accordance with Dornier Alert Service Bulletin ASB–328–00–011, Revision 1, dated June 5, 1996.

(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,

International Branch, ANM–116, 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, International Branch, ANM–116.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(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.

**Note 3:** The subject of this AD is addressed in German airworthiness directive 96–001/2, dated August 15, 1996.

Issued in Renton, Washington, on February 19, 1999.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 73

[Airspace Docket No. 98–ANM–22]

RIN 2120–AA66

### Proposed Temporary Restricted Area; Orchard, ID

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to establish a temporary Restricted Area 3203D (R–3203D) over Orchard, ID, for the period June 5–26, 1999. The Idaho Army National Guard has requested that this temporary restricted area be established to support its annual training requirements. This temporary area would be established adjacent to the existing Restricted Area R–3203A.

**DATES:** Comments must be received on or before April 12, 1999.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM–500, Docket No. 98–ANM–22, Federal Aviation Administration, 1601 Lind Avenue, Renton, WA 98055–4056.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. An

informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 1601 Lind Avenue, Renton, WA, 98055-4056.

Send comments on environmental and land-use aspects to: The State of Idaho, Military Division, Headquarters Idaho Army National Guard, Boise Air Terminal, 4040 W. Guard Street, Boise, ID 83705-8048.

**FOR FURTHER INFORMATION CONTACT:** Ken McElroy, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 98-ANM-22." The postcard will be date/time stamped and returned to the commenter. Send comments on environmental and land-use aspects to:

The State of Idaho, Military Division, Headquarters Idaho Army National Guard, Boise Air Terminal, 4040 W. Guard Street, Boise, ID 83705-8048. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### **Availability of NPRM's**

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should call the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

An electronic copy of this document may be downloaded, using a modem and suitable software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339) or the **Federal Register's** electronic bulletin board service (telephone: 202-512-1661). Internet users may reach the **Federal Register's** web page at <http://www.access.gpo.gov/nara/index.html> for access to recently published rulemaking documents.

##### **The Proposal**

The FAA is proposing an amendment to 14 CFR part 73 of the Federal Aviation Regulations to establish temporary Restricted Area R-3203D, over Orchard, ID, adjacent to the existing Restricted Area R-3203A, to assist the Idaho Army National Guard in supporting its annual training requirements. The proposed restricted area would be effective June 5-26, 1999. Expansion in the number of gun batteries assigned to field artillery units, along with requirements that each assigned battery accomplish several moves per day to different firing points, has created the need to temporarily expand the available restricted airspace to provide for more effective training. All artillery firing would be directed into existing impact areas located approximately in the center of R-3203A. The temporary restricted area is needed to provide protected airspace to contain the projectiles during flight between the surface firing point and entry into the existing restricted area. The proposed temporary restricted area would be utilized for Idaho Army National Guard Field Artillery firing and would be released to the FAA for public use during periods it is not required for military training. The coordinates for this airspace. Docket are based on North American Datum 83. Section 73.32 of part 73 of the Federal Aviation

Regulations was republished in FAA Order 7400.8 dated October 27, 1998.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed 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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### **Environmental Review**

This proposal will be subjected to environmental review prior to any FAA final regulatory action.

##### **List of Subjects in 14 CFR Part 73**

Airspace, Incorporation by reference, Navigation (air).

##### **The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

##### **PART 73—SPECIAL USE AIRSPACE**

1. The authority citation for 14 CFR part 73 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

##### **§ 73.32 [Amended]**

2. Section 73.32 is amended as follows:

##### **R-3203D Orchard Training Area, ID [New]**

Boundaries. Beginning at lat. 43°14'00" N., long. 116°16'30" W.; at lat. 43°17'51" N., long. 116°16'25" W.; at lat. 43°19'02" N., long. 116°14'45" W.; at lat. 43°19'02" N., long. 116°06'36" W.; at lat. 43°15'58" N., long. 116°01'12" W.; at lat. 43°15'00" N., long. 116°01'00" W.; at lat. 43°17'00" N., long. 116°05'00" W.; at lat. 43°17'00" N., long. 116°12'00" W.; to point of beginning.

Designated altitudes. Surface to and including 22,000 feet MSL.

Times of use. As scheduled by NOTAM 24 hours in advance for the period June 5-26, 1999.

Controlling agency. FAA Boise ATCT.  
Using agency. Commanding General Idaho Army National Guard.

Issued in Washington, DC, on February 22, 1999.

**Reginald C. Matthews,**

*Acting Program Director for Air Traffic  
Airspace Management.*

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 14 CFR Part 255

[Docket No. OST-99-5132; Notice No. 99-3]

RIN 2105-AC75

#### Second Extension of Computer Reservations Systems (CRS) Regulations

**AGENCY:** Office of the Secretary,  
Department of Transportation.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** For the second time, the Department is proposing to revise its rules governing airline computer reservations systems (CRSs), 14 C.F.R. part 255, by changing the rules' expiration date from March 31, 1999, to March 31, 2000. If the Department does not change the expiration date in the rules (14 CFR part 255), the rules will terminate on March 31, 1999. The proposed extension of the current rules will cause the rules to remain in effect while the Department carries out its reexamination of the need for CRS regulations. The Department tentatively believes that the current rules should be maintained because they appear to be necessary for promoting airline competition and helping to ensure that consumers and their travel agents can obtain complete and accurate information on airline services. The rules were previously extended from December 31, 1997, to March 31, 1999.

**DATES:** Comments must be submitted on or before March 12, 1999.

**ADDRESSES:** Comments must be filed in Room PL-401, Docket OST-99-5132, U.S. Department of Transportation, 400 7th St. SW., Washington, DC 20590. Late filed comments will be considered to the extent possible. To facilitate consideration of comments, each commenter should file six copies of its comments.

**FOR FURTHER INFORMATION CONTACT:** Thomas Ray, Office of the General Counsel, 400 Seventh St. SW., Washington, DC 20590, (202) 366-4731.

**SUPPLEMENTARY INFORMATION:** In 1992 the Department adopted its rules governing CRS operations—14 CFR part

255—because CRSs had become essential for the marketing of airline services for almost all airlines operating in the United States. 57 FR 43780 (September 22, 1992). We determined that the rules were necessary to ensure that the owners of the systems—all of which were then airlines or airline affiliates—did not use them to unreasonably prejudice the competitive position of other airlines or to provide misleading or inaccurate information to travel agents and their customers. We found that regulations were needed because travel agents relied on CRSs to provide airline information and bookings for their customers and because almost all airlines received most of their bookings from travel agencies. Our rules will expire on March 31, 1999, unless we readopt them or extend the expiration date. 62 FR 66272 (December 18, 1997). By issuing an advance notice of proposed rulemaking, we began a proceeding to determine whether the rules are necessary and should be readopted and, if so, whether they should be modified. 62 FR 47606 (September 10, 1997). We are proposing here to extend the expiration date for the current rules to March 31, 2000, so that they will remain in force while we conduct our overall reexamination of the rules.

We have set a short comment period of fourteen days so that we can publish a final decision on this proposal before the rules' current expiration date. Our advance notice of proposed rulemaking has given interested persons an opportunity to comment on whether the rules should be maintained. Almost all of the commenters support a continuation of the rules, albeit with changes, and virtually none urge us to end the rules.

#### The CRS Business

The CRS business in the United States consists of four CRSs, each of which is affiliated with one or more U.S. airlines. A CRS contains information on airline services and other travel services sold through the system and provides that information to system users. A CRS enables travel agents and other users to find out what airline seats and fares are available and book a seat on each airline that "participates" in the system, that is, that makes its services saleable through the CRS. Travel agents—the major users of the systems—access a CRS through computer terminals, which are normally leased from the system. Consumers can also access a CRS through an on-line computer service or an Internet website.

The fees paid by airlines and other travel suppliers participating in a system generate most of the revenues

received by each CRS. An airline participant pays a fee whenever a booking on that airline is made through the system (most of the systems also charge fees for related transactions, such as booking changes and cancellations). Other travel suppliers pay similar fees. Many, but not all, travel agencies subscribing to a system also pay fees, but such subscriber fees, unlike airline fees, are generally disciplined by competition.

#### Regulatory Background

CRSs became essential for airline distribution in the early 1980s, when travel agents came to depend on the systems to find out what services were available and to make bookings. At that time each of the systems operating in the United States, with one minor exception, was owned by a single airline, and each owner airline used its system to prejudice competing airlines and to give consumers biased or incomplete information in order to obtain more bookings. These practices caused the agency formerly responsible for the economic regulation of airlines, the Civil Aeronautics Board ("the Board"), to adopt rules governing the operations of airline-affiliated CRSs. 49 FR 32540 (August 15, 1984). The Board found that regulations were essential to keep the systems from causing substantial harm to airline competition and to prevent consumers from being misled. The Board adopted its regulations primarily under its authority under section 411 of the Federal Aviation Act, later recodified as 49 U.S.C. 41712, to prevent unfair methods of competition and unfair and deceptive practices in air transportation and the sale of airline transportation. The Board's rules were affirmed on review. *United Air Lines v. CAB*, 766 F.2d 1107 (7th Cir. 1985).

The Board's major rules required each system to make participation available to all airlines on non-discriminatory terms, to offer at least one unbiased display, and to make available to each airline participant any marketing and booking data from bookings for domestic travel that it chose to generate from its system. The rules also prohibited certain contract terms that limited the travel agencies' ability to switch systems or use more than one system.

We assumed the Board's responsibilities for airline regulation after the Board's sunset on December 31, 1984. See *United Air Lines*, supra, 766 F.2d at 1109. To ensure that the rules would be reexamined, the Board's rules contained a sunset date, December 31, 1990. We reexamined the rules and