

General Counsel for Litigation with the authority to decide claims of \$25,000 or less, which is in line with the Agency's current practice.

The new regulation also removes inaccurate language from § 114.105 concerning the requirement that District Counsel consult with the General Counsel before approving claims for less than \$5,000 (the District Counsel does not have the authority to approve such claims).

The new regulation also removes unnecessary language from §§ 114.106 and 114.108 which purport to characterize § 114.107, and makes other, minor, technical changes.

Compliance With Executive Orders 12612, 12988, and 12866, the Regulatory Flexibility Act (5 U.S.C. 601-612), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

SBA certifies that this rule does not have a significant economic impact on a substantial number of small entities within the meaning of Executive Order 12866 or the Regulatory Flexibility Act, 5 U.S.C. 601-612. It merely changes SBA's internal procedures and serves to make tort claim resolution more accessible to the general public. It will not have an annual economic effect of \$100 million or more, result in a major increase in costs or prices, or have a significant adverse effect on competition or the United States economy.

For purposes of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA certifies that this rule contains no new reporting or recordkeeping requirements.

For purposes of Executive Order 12612, SBA certifies that this rule has no federalism implications warranting the preparation of a federalism assessment.

For purposes of Executive Order 12988, SBA certifies that this rule is drafted, to the extent practicable, in accordance with the standards set forth in Section 3 of that Order.

List of Subjects in 13 CFR Part 114

Tort claims.

For the reasons stated in the preamble, the SBA amends 13 CFR part 114 as follows:

PART 114—ADMINISTRATIVE CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT AND REPRESENTATION AND INDEMNIFICATION OF SBA EMPLOYEES

Subpart A—Administrative Tort Claims

1. The authority citation for part 114 continues to read as follows:

Authority: 15 U.S.C. 634 (b)(1), (b)(6); 28 U.S.C. 2672; 28 CFR 14.11.

2. Revise § 114.102 to read as follows:

§ 114.102 When, where and how do I present a claim?

(a) *When.* You must present your claim within 2 years of the date of accrual.

(b) *Where.* You may present your claim at the SBA District Office nearest to the site of the action giving rise to the claim and within the same state as the site. If your claim is based on the acts or omissions of an employee of SBA's Disaster Assistance Program, you may present your claim either to the appropriate SBA District Office or to the Disaster Assistance Office nearest to the site of the action giving rise to the claim.

(c) *How.* You must use an official form which can be obtained from the SBA office where you file the claim or give other written notice of your claim, stating the specific amount of your alleged damages and providing enough information to enable SBA to investigate your claim. You may present your claim in person or by mail, but your claim will not be considered presented until SBA receives the written information.

3. In § 114.105, revise paragraphs (b) and (c) to read as follows:

§ 114.105 Who investigates and considers my claim?

* * * * *

(b) In those cases in which SBA investigates your claim, and which arise out of the acts or omissions of employees other than employees of the Disaster Assistance Program, the SBA District Counsel in the office with jurisdiction over the site where the action giving rise to the claim occurred will investigate and make recommendations or determination with respect to your claim. In those cases in which SBA investigates your claim, and which arise out of acts or omissions of Disaster Assistance Program employees, the SBA Disaster Area Counsel in the office with jurisdiction over the site where the action giving rise to the claim occurred will investigate and make recommendations or a determination with respect to your claim. The District Counsel, or Disaster Area Counsel, where appropriate, may negotiate with you, and is authorized to use alternative dispute resolution mechanisms, which are nonbinding on SBA, when they may promote the prompt, fair and efficient resolution of your claim.

(c) If your claim is for \$5,000 or less, the District Counsel or Disaster Area Counsel who investigates your claim may deny the claim, or may recommend approval, compromise, or settlement of

the claim to the Associate General Counsel for Litigation, who will in such a case take final action.

4. Revise § 114.106 to read as follows:

§ 114.106 What if my claim exceeds \$5,000?

The District Counsel or Disaster Area Counsel, as appropriate, must review and investigate your claim and forward it with a report and recommendation to the Associate General Counsel for Litigation, who may approve or deny an award, compromise, or settlement of claims in excess of \$5,000, but not exceeding \$25,000.

5. Revise § 114.108 to read as follows:

§ 114.108 What if my claim is approved?

SBA will notify you in writing if it approves your claim. The District Counsel or Disaster Area Counsel investigating your claim will forward to you, your agent or legal representative the forms necessary to indicate satisfaction of your claim and your acceptance of the payment. Acceptance by you, your agent or your legal representative of any award, compromise or settlement releases all your claims against the United States under the Federal Tort Claims Act. This means that it binds you, your agent or your legal representative, and any other person on whose behalf or for whose benefit the claim was presented. It also constitutes a complete release of your claim against the United States and its employees. If you are represented by counsel, SBA will designate you and your counsel as joint payees and will deliver the check to counsel. Payment is contingent upon the waiver of your claim and is subject to the availability of appropriated funds.

Dated: July 20, 1999.

Aida Alvarez,

Administrator.

[FR Doc. 99-18951 Filed 7-23-99; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-CE-06-AD; Amendment 39-11234; AD 99-15-13]

RIN 2120-AA64

Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASH 26E Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 98-09-09, which currently requires replacing the internal cooling air fan with a fan that incorporates a white impeller on all Alexander Schleicher Segelflugzeugbau (Alexander Schleicher) Model ASH 26E sailplanes. This AD requires inspecting the internal cooling air fan for damage, and replacing any fan that does not incorporate a black impeller with a fan that incorporates a black impeller either immediately or at a certain time period, depending on the results of the inspection. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by this AD are intended to prevent failure of the internal cooling system air fan caused by a certain design configuration of the impeller, which could cause the engine to overheat with possible engine failure.

DATES: Effective September 13, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 13, 1999.

ADDRESSES: Service information that applies to this AD may be obtained from Alexander Schleicher Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe, Federal Republic of Germany; telephone: 49.6658.890 or 49.6658.8920; facsimile: 49.6658.8923 or 49.6658.8940. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-CE-06-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. Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; 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 all Alexander Schleicher Model ASH 26E sailplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on April 26, 1999 (64 FR 20231). The NPRM proposed to supersede AD 98-09-09, Amendment 39-10489 (63 FR 20308, April 24, 1998). AD 98-09-09 currently

requires replacing the internal cooling air fan with a fan that incorporates a white impeller, part number (P/N) R1K059.

The NPRM proposed to require inspecting the internal cooling air fan for damage, and replacing any fan that does not incorporate a black impeller, P/N R1K074, with a fan that incorporates a P/N R1K074 impeller. The replacement would be accomplished either immediately or at a certain time period, depending on the results of the inspection.

Accomplishment of the proposed actions as specified in the NPRM would be required in accordance with Alexander Schleicher Technical Note No. 5, dated July 23, 1998, and Mid-West Service Bulletin No. 002, dated November 13, 1997.

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

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.

Differences Between the Service Bulletin, the German AD, and This AD

Alexander Schleicher Technical Note No. 5, dated July 23, 1998, specifies inspecting the internal air cooling air fan prior to further flight, and German AD 1998-391, dated October 8, 1998, requires the inspection prior to further flight on sailplanes registered in Germany.

The FAA does not have justification to require the inspection prior to further flight. The FAA is utilizing the inspection compliance time of "within the next 30 calendar days after the effective date of the AD." The FAA is utilizing the replacement compliance time of "within the next 9 calendar months after the effective date of the AD", or if damage is found during the inspection, "prior to further flight."

Compliance Time of This AD

Although a damaged impeller blade is only unsafe while the affected sailplanes are in flight, the condition could occur at any time. For example, damage could occur on one sailplane with 25 hours time-in-service (TIS) while not occurring on another until 250 hours TIS. This is due to different usage levels and the various ways sailplanes are operated and utilized. In addition, the average monthly usage of the affected sailplane ranges throughout the fleet. For example, one owner may operate the sailplane 25 hours TIS in one week, while another owner may operate the sailplane 25 hours TIS in one year. In order to assure that the unsafe condition is detected and corrected on all affected sailplanes in a timely manner without inadvertently grounding any affected sailplane, the FAA is utilizing compliance based on calendar time instead of hours TIS.

Cost Impact

The FAA estimates that 9 sailplanes in the U.S. registry will be affected by this AD, that it will take approximately 14 workhours per sailplane to accomplish this AD, and that the average labor rate is approximately \$60 an hour. Parts are available from the manufacturer at no cost. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$7,560, or \$840 per sailplane.

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 removing Airworthiness Directive (AD) 98-09-09, Amendment 39-10489 (63 FR 20308, April 24, 1998), and by adding a new airworthiness directive (AD) to read as follows:

99-15-13 Alexander Schleicher

Segelflugzeugbau: Amendment 39-11234; Docket No. 99-CE-06-AD; Supersedes AD 98-09-09; Amendment 39-10489.

Applicability: Model ASH 26E sailplanes, all serial numbers, certificated in any category; that are equipped with an internal cooling system air fan that does not incorporate a black impeller, part number (P/N) R1K074.

Note 1: This AD applies to each sailplane 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 sailplanes 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 in the body of this AD, unless already accomplished.

To prevent failure of the internal cooling system air fan caused by a certain design configuration of the impeller, which could cause the engine to overheat with possible engine failure, accomplish the following:

(a) Within the next 30 calendar days after the effective date of this AD, inspect the internal cooling air fan for damage in accordance with Alexander Schleicher Technical Note No. 5, dated July 23, 1998.

(b) Replace the internal cooling system air fan with a fan that incorporates a black impeller, P/N R1K074, at whichever of the compliance times below (paragraphs (b)(1) and (b)(2) of this AD) that applies.

Accomplish this replacement in accordance with Mid-West Service Bulletin No. 002, dated November 13, 1997:

(1) Prior to further flight if damage is found in the internal cooling air fan during the inspection required by paragraph (a) of this AD; or

(2) Within the next 9 calendar months after the effective date of this AD if damage is not found during the inspection required by paragraph (a) of this AD.

(c) As of the effective date of this AD, no person may install, on any affected sailplane, an internal cooling system air fan that does not incorporate a black impeller, P/N R1K074, as specified in Mid-West Service Bulletin No. 002, dated November 13, 1997; and Alexander Schleicher Technical Note No. 5, dated July 23, 1998.

(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 sailplane to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 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 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(f) Questions or technical information related to Alexander Schleicher Technical Note No. 5, dated July 23, 1998, and Mid-West Service Bulletin No. 002, dated November 13, 1997, should be directed to Alexander Schleicher Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe, Federal Republic of Germany; telephone: 49.6658.890 or 49.6658.8920; facsimile: 49.6658.8923 or 49.6658.8940. 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.

(g) The inspection required by this AD shall be done in accordance with Alexander Schleicher GmbH & Co. Technical Note No. 5, dated July 23, 1998. The replacement required by this AD shall be done in accordance with Mid-West Engines Ltd. Service Bulletin No. 002, dated November 13, 1997. 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 Alexander Schleicher Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe, Federal Republic of Germany. 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 3: The subject of this AD is addressed in German AD 1998-391, dated October 8, 1998.

(h) This amendment supersedes AD 98-09-09, Amendment 39-10489.

(i) This amendment becomes effective on September 13, 1999.

Issued in Kansas City, Missouri, on July 14, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-18625 Filed 7-23-99; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 97-ANM-23]

RIN 2120-AA66

Establishment of VOR Federal Airways; WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; establishment of effective date.

SUMMARY: On July 22, 1998, the FAA published a final rule in the **Federal Register** that revised Federal Airways V-165 and V-287 located in the State of Washington. Federal Airway V-165 was revised to establish a route between the Olympia Very High Frequency Omnidirectional Range/Tactical Air Navigation System (VORTAC) to the Penn Cove VOR, to Bellingham, WA. Federal Airway V-287 was revised to establish a route from the Paine VORTAC to the Penn Cove VOR. On August 14, 1998, the effective date of these airway revisions was delayed to permit the FAA to conduct additional flight inspections. This action establishes the effective date for V-165 and V-287 as September 9, 1999.

EFFECTIVE DATE: The effective date of the final rule published at 63 FR 39234 and delayed at 63 FR 43622 is 0901 UTC, September 9, 1999.

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: On May 5, 1998, the FAA published a Notice of Proposed Rulemaking in the **Federal Register** inviting comments on a proposal to revise V-165 and V-287 in the State of Washington (63 FR 24764).