Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—Miscellaneous Information Disclosure Provisions

Sec.
404.70 Asset disposition, program development, and risk reduction efforts.

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—Miscellaneous Information Disclosure Provisions

§ 404.70 Asset disposition, program development, and risk reduction efforts.

(a) *Purpose and scope.* The purpose of this section is to provide for disclosure, only in the context of program development, asset disposition, debt collection, and risk reduction efforts, of confidential commercial or financial information when such disclosure is needed to facilitate the Bank's support of the export of goods and services. Ex-Im Bank shall disclose such information only to persons, as defined in § 404.2, who require access to such information to perform their intended services on behalf of the Bank.

(b) *Disclosure of information.* Ex-Im Bank may, in connection with program development, asset disposition, debt collection, and risk reduction efforts, disclose information described in 5 U.S.C. 552(b)(4) that is provided to Ex-Im Bank in connection with applications for financial support or related transactions, when the Ex-Im Bank President determines that disclosure is needed to support the Bank's promotion of policy and programmatic objectives and that disclosure in such limited circumstances will not subject the submitter of the information to commercial harm. Ex-Im Bank does not waive its right to withhold information, in response to a FOIA request, that has been or could be disclosed pursuant to this section if Ex-Im Bank determines that such disclosure could subject the submitter of the information to commercial harm.

(c) *Protections.* Whenever possible, Ex-Im Bank shall enter into confidentiality agreements intended to protect the confidentiality of any commercial or financial information disclosed pursuant to this section.

Dated: July 30, 1998.

Kenneth W. Hansen,

General Counsel.

[FR Doc. 98–20802 Filed 8–3–98; 8:45 am]

BILLING CODE 6690–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–197–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes and KC–10 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–10 series airplanes and KC–10 (military) airplanes. This proposal would require repetitive inspections to detect fatigue cracking of the rear spar cap of the horizontal stabilizer; and repair, if necessary. The proposed AD also would require a preventive modification of the rear spar cap of the horizontal stabilizer, which would constitute terminating action for the repetitive inspections. This proposal is prompted by reports of fatigue cracking of the rear spar cap of the horizontal stabilizer. The actions specified by the proposed AD are intended to prevent fatigue cracking of the rear spar cap of the horizontal stabilizer, which could result in reduced structural integrity of the horizontal stabilizer, and consequent reduced controllability of the airplane.

DATES: Comments must be received by September 18, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–197–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 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: Ron Atmur, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5224; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–197–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–197–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating that, on several in-service McDonnell Douglas Model DC–10 series airplanes, cracking has been discovered on the vertical leg of the rear spar cap of the horizontal stabilizer, near the junction of the operating bulkhead. The cracking originated in the counterbore transition area. The affected airplanes had accumulated more than 46,000 total flight hours and 19,134 total landings.

The cause of the cracking has been attributed to fatigue. Such cracking, if not corrected, could result in reduced structural integrity of the horizontal stabilizer, and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin DC10–55A028, dated April 27, 1998, which describes procedures for repetitive penetrant inspections or high frequency eddy current inspections to detect fatigue cracking of the rear spar cap of the horizontal stabilizer; and repair, if necessary. This alert service bulletin also describes procedures for a preventive modification of the rear spar cap of the horizontal stabilizer. The modification involves the installation of doublers on the rear spar cap, which would eliminate the need for the repetitive inspections. Accomplishment of the actions specified in the alert service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require repetitive penetrant inspections or high frequency eddy current inspections to detect fatigue cracking of the rear spar cap of the horizontal stabilizer; and repair, if necessary. The proposed AD also would require a preventive modification of the rear spar cap of the horizontal stabilizer, which would constitute terminating action for the repetitive inspections. The actions would be required to be accomplished in accordance with the alert service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Alert Service Bulletin

Operators should note that, for airplanes that have accumulated 18,000 or more total landings, although the alert service bulletin recommends accomplishing the penetrant inspection or high frequency eddy current inspection within 60 days (after the release of the alert service bulletin), the FAA has determined that an interval of 1,500 landings would address the identified unsafe condition in a timely manner, and would allow the airplanes to be inspected during a routine maintenance period. In developing an appropriate compliance time for this proposed AD, the FAA considered not only the manufacturer's recommendation, but the fail-safe features of the Model DC–10 series airplane, the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the inspection (two hours). In light of all of these factors, the FAA finds a 1,500-landing compliance time (for airplanes that have accumulated 18,000 or more total landings) for the required actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Operators should note that this AD proposes to mandate, within 5 years after the effective date of this AD, the preventive modification described in the alert service bulletin, as terminating action for the repetitive inspections. The alert service bulletin provides for accomplishment of the preventive modification as an option only.

The FAA has determined that long-term continued operational safety would be better assured by design changes to remove the source of the problem, rather than by repetitive inspections. Long-term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous continual inspections, has led the FAA to consider placing less emphasis on inspections and more emphasis on design improvements. The proposed preventive modification requirement is in consonance with these conditions.

Cost Impact

There are approximately 420 airplanes of the affected design in the worldwide fleet. The FAA estimates that 242 airplanes of U.S. registry (124 Group 1 airplanes; 118 Group 2 airplanes) would be affected by this proposed AD.

It would take approximately 2 work hours per airplane to accomplish the proposed inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspections proposed by this AD on U.S. operators for Groups 1 and 2 airplanes is estimated to be $29,040, or $120 per airplane, per inspection cycle.

It would take approximately 34 work hours per airplane to accomplish the proposed modification, at an average labor rate of $60 per work hour. Required parts would cost approximately $6,236 per airplane for Group 1 airplanes, or $6,349 per airplane for Group 2 airplanes. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators of Group 1 airplanes is estimated to be $1,026,224, or $8,276 per airplane; and, for Group 2 airplanes, $989,902, or $8,389 per airplane.

The cost impact figures discussed above are 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:

McDonnell Douglas: Docket 98–NM–197–AD.

Applicability: Model DC–10 series airplanes and KC–10 (military) airplanes, as listed in McDonnell Douglas Alert Service Bulletin DC10–55A028, dated April 27, 1998; 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 fatigue cracking of the rear spar cap of the horizontal stabilizer, which could result in reduced structural integrity of the horizontal stabilizer, and consequent reduced controllability of the airplane, accomplish the following:

(a) Prior to the accumulation of 18,000 total landings, or within 1,500 landings after the effective date of this AD, whichever occurs later: Perform a penetrant inspection or a high frequency eddy current inspection to detect fatigue cracking of the rear spar cap of the horizontal stabilizer, in accordance with McDonnell Douglas Alert Service Bulletin DC10–55A028, dated April 27, 1998.

(1) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 2,200 landings until accomplishment of the requirements of paragraph (b) of this AD.

(2) If any cracking is detected, prior to further flight, repair in accordance with the alert service bulletin. Repeat the inspection thereafter at intervals not to exceed 2,200 landings until accomplishment of the requirements of paragraph (b) of this AD.

(b) Within 5 years after the effective date of this AD, perform a penetrant inspection or a high frequency eddy current inspection to detect fatigue cracking of the rear spar cap of the horizontal stabilizer, in accordance with McDonnell Douglas Alert Service Bulletin DC10–55A028, dated April 27, 1998.

(1) If no cracking is detected, prior to further flight, perform the preventive modification of the rear spar cap of the horizontal stabilizer, in accordance with the alert service bulletin. Accomplishment of this modification constitutes terminating action for the requirements of this AD.

(2) If any cracking is detected, prior to further flight, repair, and perform the preventive modification of the rear spar cap of the horizontal stabilizer, in accordance with the alert service bulletin. Accomplishment of the modification constitutes terminating action for the requirements of this AD.

(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 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, Los Angeles ACO.

Note 2: 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.

Issued in Renton, Washington, on July 27, 1998.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–20678 Filed 8–3–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–241–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 767–200, –300, and –300F series airplanes. This proposal would require replacement of the hydraulic reducer fitting in the return port of the alternate brake selector valve with a new restrictor fitting. This proposal is prompted by a report indicating that a brake housing had fractured due to high loads associated with brake vibration during landing gear retraction, which allowed the torque rod to swing free. The actions specified by the proposed AD are intended to prevent failure of the brake housing in the torque rod region, which could reduce the braking capability of the airplane and/or prevent the extension of a main landing gear by any method.

DATES: Comments must be received by September 18, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–241–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: David Herron, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2672; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–241–AD.'' The postcard will be date stamped and returned to the commenter.