

possibly a completely new rule, and would only delay the much needed IRA revisions.

Further, MSAs are a pilot program and the Board is not aware of any particular urgency to address these types of accounts immediately.

The Board expects to issue shortly a request for comments or advanced notice of proposed rulemaking to solicit comments on MSAs and will evaluate the need for regulatory changes after receipt of comments. That notice will likely solicit comments as well regarding whether other regulatory changes are needed to address IRC section 401(k) plans, including SIMPLE 401(k) plans, and Simplified Employee Pension (SEP) plans.

Regulatory Procedures

Regulatory Flexibility Act

This interim final rule conforms the current regulation to recent changes in the federal tax law and does not expand upon the nature of the activity authorized for a federal credit union. The Board has determined and certifies that this rule will not have a significant economic impact on a substantial number of small credit unions. Accordingly, the NCUA Board has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

This interim rule does not impose any paperwork requirements.

Executive Order 12612

This interim rule only applies to federal credit unions. It has no effect on the regulation of state-chartered credit unions.

List of Subjects

12 CFR Part 701

Credit unions.

12 CFR Part 724

Credit unions, Pensions, Reporting and recordkeeping requirements, Trusts and trustees.

By the National Credit Union Administration Board, this 13th day of March, 1998.

Becky Baker,

Secretary, NCUA Board.

For the reasons stated in the preamble, NCUA amends 12 CFR chapter VII as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 et seq.; 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

2. Revise the second sentence of § 701.19(a) to read as follows:

§ 701.19 Retirement benefits for employees of Federal credit unions.

(a) * * * In those cases where a Federal credit union is to be a plan trustee or custodian, the plan must be authorized and maintained in accordance with the provisions of part 724 of this chapter. * * *

PART 724—TRUSTEES AND CUSTODIANS OF PENSION PLANS

3. The authority citation for part 724 is revised to read as follows:

Authority: 12 U.S.C. 1757, 1765, 1766 and 1787.

4. In § 724.1, revise the section heading and first sentence to read as follows:

§ 724.1 Federal credit unions acting as trustees and custodians of pension and retirement plans.

A federal credit union is authorized to act as trustee or custodian, and may receive reasonable compensation for so acting, under any written trust instrument or custodial agreement created or organized in the United States and forming part of a pension or retirement plan which qualifies or qualified for specific tax treatment under sections 401(d), 408, 408A and 530 of the Internal Revenue Code (26 U.S.C. 401(d), 408, 408A and 530), for its members or groups of its members, provided the funds of such plans are invested in share accounts or share certificate accounts of the Federal credit union. * * *

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–SW–58–AD; Amendment 39–10421; AD 98–07–03]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron, Inc. Model 412 Helicopters and Agusta S.p.A. Model AB412 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Bell Helicopter Textron, Inc. (Bell) Model 412 helicopters and Agusta S.p.A. (Agusta) Model AB412 helicopters. This action requires a temporary reduction of the never-exceed velocity (Vne) limitation until an inspection of the tail rotor yoke (yoke) assembly for fatigue damage and installation of a redesigned yoke flapping stop are accomplished. Recurring periodic and special inspections to detect occurrences of yoke overload are also required. This amendment is prompted by laboratory tests and engineering analyses that indicated that the yoke assembly is susceptible to fatigue damage due to unforeseen static and dynamic loading of the tail rotor against the original flapping stop. The actions specified in this AD are intended to prevent fatigue failure of the yoke that could result in loss of control of the tail rotor and subsequent loss of control of the helicopter.

DATES: Effective April 8, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 8, 1998.

Comments for inclusion in the Rules Docket must be received on or before May 26, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 97–SW–58–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, telephone (817) 280–3391, fax (817) 280–6466 for the Bell Model 412 helicopters; and

Agusta S.p.A., 21017 Cascina Costa di Samarate (VA), Via Giovanni Agusta 520, telephone (0331) 229111, fax (0331) 229605-222595 for the Agusta Model AB412 helicopters. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Shep Blackman, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5296, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION: The Registro Aeronautico Italiano (RAI), which is the airworthiness authority for Italy, recently notified the FAA that an unsafe condition may exist on Agusta Model AB412 helicopters, and since the Bell Model 412 helicopters are of similar type design, a similar unsafe condition could exist on those models. The RAI advises installing a temporary airspeed placard, inspecting the yoke assembly, and installing a redesigned tail rotor flapping stop.

Bell has issued Bell Helicopter Textron Alert Service Bulletin (ASB) 412-96-89, Revision A, dated October 17, 1997 and Bell Helicopter Textron ASB 412CF-96-01, dated September 3, 1996, for the Bell Model 412 helicopters; and Agusta has issued Agusta Bolletino Tecnico (Technical Bulletin) No. 412-65, dated December 2, 1996 for the Agusta Model AB412 helicopters. Both service bulletins and the technical bulletin specify an immediate temporary reduction in the maximum airspeed, installing a cockpit placard for this limitation, and incorporating a temporary flight manual supplement until the yoke historical records are researched for previous damage history; until an x-ray diffraction inspection is performed on the yoke to detect fatigue damage; and until a frangible tail rotor flapping stop/yield indicator, P/N 212-011-713-103, is installed. A repetitive 25-hours time-in-service inspection to detect damaging tail rotor flapping stop contact due to a hard landing, sudden stoppage, or miscellaneous power on/off incidents has been added. The RAI classified the Agusta technical bulletin as mandatory and issued AD 97-223 in order to assure the continued airworthiness of these helicopters in Italy.

The Bell Model 412 helicopters are manufactured in the U.S. and are type certificated for operation in the United States under the provisions of § 21.21 of

the Federal Aviation Regulations (14 CFR 21.21). The Agusta Model AB412 helicopters are manufactured in Italy and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RAI has kept the FAA informed of the situation described above. The FAA has examined the findings of the RAI, reviewed all available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Bell Model 412 and Agusta Model AB412 helicopters of the same type designs registered or eligible for registration in the United States, this AD is being issued to prevent fatigue failure of the yoke that could result in loss of control of the helicopter. This AD requires a temporary reduction of the Vne limitation until an inspection of the yoke assembly for fatigue damage and installation of a redesigned yoke flapping stop is accomplished, and includes additional periodic and special inspections to detect occurrences of yoke overload.

The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability of the helicopter. Therefore, a temporary reduction in Vne is required prior to further flight, and this AD must be issued immediately.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

The FAA estimates that 124 helicopters of U.S. registry will be affected by this AD, that it will take approximately 6.5 hours per helicopter to accomplish the installation of a placard, the inspection, and the installation of the yoke. Required parts will cost approximately \$511 per helicopter. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$111,724.

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 should 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 No. 97-SW-58-AD." The postcard will be date stamped and returned to the commenter.

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, 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 a new airworthiness directive to read as follows:

AD 98-07-03 Bell Helicopter Textron, Inc. and Agusta S.p.A.: Amendment 39-10421. Docket No. 97-SW-58-AD.

Applicability: Bell Helicopter Textron, Inc. Model 412 helicopters, serial numbers (S/N) 33001 through 33213, 34001 through 34024, 36001 through 36121, 46400 through 46434, 46437, and Agusta S.p.A. Model AB412 helicopters, S/N prior to and including S/N 25806, and S/N 25901; certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue failure of the tail rotor yoke (yoke), that could result in loss of control of the helicopter, accomplish the following:

(a) Before further flight, review the historical records of the yoke assembly, part number (P/N) 212-011-702-all dash numbers, for any static or dynamic incident history, other than normal usage, that could have imposed a bending load on the yoke, but did not require yoke assembly replacement; for example, an incident in

which a damaged tail rotor blade was replaced due to a blade strike. If such a history exists, replace the yoke with an airworthy yoke.

(b) Before further flight, unless paragraph (c) of this AD has been accomplished previously:

(1) Install a Never Exceed Velocity (Vne) red line at 120 knots indicated airspeed (KIAS) on the pilot and copilot airspeed indicators using red tape or paint, and a slippage indicator on the instrument case and glass.

(2) Install a placard made of material that is not easily erased, disfigured, or obscured on the instrument panel in clear view of the pilot and copilot: "Observe temporary Maximum Never Exceed (Vne) airspeed red line (marked at 120 knots indicated airspeed (KIAS)). Vne is 20 KIAS less than the value presented on the airspeed limitation placard for each ambient condition."

(3) Insert the applicable Bell Helicopter Textron 412 Temporary Revision, dated August 16, 1996, into the Model 412 Rotorcraft Flight Manual (RFM), or Agusta AB412EP Temporary Revision No. 2 into the Model AB412 RFM.

(c) Within 180 calendar days:

(1) Remove yoke assembly, P/N 212-011-702-all dash numbers, and replace it with an airworthy yoke assembly, P/N 212-011-702-all dash numbers, with zero hours time-in-service (TIS), or an airworthy yoke (regardless of TIS) that has passed a one-time x-ray diffraction inspection in accordance with Bell Helicopter Textron ASB 412-96-89, Revision A, dated October 17, 1997; Bell Helicopter Textron ASB 412CF-96-01, dated September 3, 1996; or, Agusta Bolletino Tecnico (Technical Bulletin) No. 412-65, dated December 2, 1996, whichever is applicable.

(2) Install an airworthy tail rotor flapping stop, P/N 212-011-713-103.

(3) If requirements are accomplished in accordance with paragraphs (c)(1) and (c)(2) of this AD, remove the 120 KIAS redline from the pilot and copilot airspeed indicators; remove the Vne airspeed restriction placard; and remove the Bell Helicopter Textron 412 Temporary Revision, dated August 16, 1996, or Agusta AB Temporary Revision No. 2, as applicable, from the RFM.

(d) After accomplishing paragraph (c) of this AD, thereafter inspect the yoke assembly and tail rotor flapping stop at intervals not to exceed 25 hours TIS in accordance with Part III, Recurring 25-Hour Special Inspection and Conditional Inspection Requirement, of Bell Helicopter Textron ASB 412-96-89, Revision A, dated October 17, 1996; Bell Helicopter Textron ASB 412CF-96-01, dated September 3, 1996; or Agusta Bolletino Tecnico (Technical Bulletin) No. 412-65, dated December 2, 1996, as applicable.

(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, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(f) 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 helicopter at airspeeds not to exceed 120 KIAS to a location where the requirements of this AD can be accomplished.

(g) The inspections and installations shall be done in accordance with Bell ASB 412-96-89, Revision A, dated October 17, 1997; Bell Helicopter Textron ASB 412CF-96-01, dated September 3, 1996; or Agusta Technical Bulletin No. 412-65, dated December 2, 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 Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, telephone (817) 280-3391, fax (817) 280-6466; or Agusta, 21017 Cascina Costa di Samarate (VA), Via Giovanni Agusta 520, telephone (0331) 229111, fax (0331) 229605-222595. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on April 8, 1998.

Note 3: The subject of this AD is addressed in Registro Aeronautico Italiano (Italy) AD 97-223, dated January 8, 1997.

Issued in Fort Worth, Texas, on March 16, 1998.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

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DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 770 and 774

[Docket No. 980219044-8044-01]

RIN 0694-AB66

Revision To ECCN 1C350 (Mixtures): Removal of Solvent Free Basis Calculation Requirement and Trace Quantity Exemption

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: Chemicals capable of being used as precursors for chemical weapons agents are controlled for export on the Commerce Control List under Export Control Classification Number 1C350. Note 2 of the License Requirement Notes section of ECCN