

§ 120.883 Eligible administrative costs for 504 loans.

The following administrative costs are not part of Project costs, but may be paid with the proceeds of the 504 loan and the Debenture (see § 120.971):

- (a) SBA guarantee fee;
- (b) Funding fee (to cover the cost of a public issuance of securities and the Trustee);
- (c) CDC processing fee;
- (d) Borrower's out-of-pocket costs associated with the closing of the 504 loan (other than legal fees);
- (e) CDC Closing Fee (see § 120.971(a)(2)) up to a maximum of \$2,500; and
- (f) Underwriters' fee.

9. Revise § 120.910 to read as follows:

§ 120.910 How much must the Borrower contribute?

(a) The Borrower must contribute to the Project cash (or property acceptable to SBA obtained with the cash) or land (that is part of the Project Property), in an amount equal to the following percentage of the Project cost, exclusive of administrative cost:

(1) At least 15 percent, if the Borrower (or Operating Company if the Borrower is an Eligible Passive Company) has been in operation for 2 years or less;

(2) At least 15 percent, if the Project involves the acquisition, construction, conversion, or expansion of a limited or single purpose building or structure;

(3) At least 20 percent, if the Project involves both of the conditions described in paragraphs (a) (1) and (2) of this section; or

(4) At least 10 percent, in all other circumstances.

(b) The source of the contribution may be a CDC or any other source except an SBA business loan program (see § 120.913 for SBIC exception).

10. Revise § 120.920 to read as follows:

§ 120.920 Required participation by the Third Party Lender.

(a) *Amount of Third Party Loans.* A Project financing must include one or more Third Party Loans totaling at least as much as the 504 loan. However, the Third Party Loans must total at least 50 percent of the total cost of the Project if:

(1) The Borrower (or Operating Company, if the Borrower is an Eligible Passive Company) has been in operation for 2 years or less, or

(2) The Project is for the acquisition, construction, conversion, or expansion of a limited or single purpose asset.

(b) *Third Party Loan collateral.* Third Party Loans usually are collateralized by a first lien on the Project property. They cannot be guaranteed by SBA.

11. In § 120.921 revise and redesignate paragraphs (d) and (e) as paragraphs (e) and (f) and add a new paragraph (d) to read as follows:

§ 120.921 Terms of Third Party Loans.

* * * * *

(d) *Future advances.* The Third Party Loan must not be open-ended. After completion of the Project, the Third Party Lender may not make future advances under the Third Party Loan except expenditures to collect amounts due the Third Party Loan notes, maintain collateral, and protect the Third Party Lender's lien position on the Third Party Loan.

(e) *Subordination.* The Third Party Lender's lien will be subordinate to the CDC/SBA lien as to any prepayment penalties, late fees, and increased default interest due under the Third Party Loan.

(f) *Escalation upon default.* A Third-Party Lender may not escalate the rate of interest upon default to a rate greater than the maximum rate set forth in paragraph (b) of this section. With respect to any Project approved after September 30, 1996, SBA will only pay the interest rate on the note in effect prior to the date of the Borrower's default.

12. Amend § 120.971 by revising the first sentence of paragraph (a)(2) and paragraphs (a)(3), and (d)(2) to read as follows:

§ 120.971 Allowable fees paid by Borrower.

(a) * * *

(2) *Closing fee.* The CDC may charge a reasonable closing fee in an amount sufficient to reimburse it for the expenses of its in-house or outside legal counsel, and other miscellaneous closing costs (CDC Closing Fee). * * *

(3) *Servicing fee.* The CDC will charge a monthly servicing fee of not less than 0.625 percent per annum nor more than 2 percent per annum on the unpaid balance of the loan as determined at 5-year anniversary intervals. A servicing fee in excess of 1.5 percent in a Rural Area and 1 percent everywhere else requires SBA's prior written approval, based on evidence of substantial need. The servicing fee may be paid only from loan payments received. The fees may be accrued without interest and collected from the CSA when the payments are made.

* * * * *

(d) * * *

(2) For loans approved by SBA after September 30, 1996, SBA charges a fee of not more than 0.9375 percent per annum on the unpaid principal balance

of the loan as determined at 5-year anniversary intervals.

* * * * *

13. In part 120 redesignate § 120.972 as § 120.973, and add a new § 120.972 to read as follows:

§ 120.972 Third Party Lender participation fee and Development company fee.

(a) *Participation fee.* For loans approved by SBA after September 30, 1996, SBA must collect a one-time fee from the Third Party Lender equal to 50 basis points on its total participation in a Project when the Third Party Lender occupies a senior credit position to SBA in the project.

(b) *Development company fee.* For loans approved by SBA after September 30, 1996, SBA must collect an annual fee from the CDC equal to 0.125 percent of the outstanding principal balance of the debenture. The fee must be paid from the servicing fees collected by the CDC and cannot be paid from any additional fees imposed on the Borrowers.

Dated: April 28, 1998.

Aida Alvarez,

Administrator.

[FR Doc. 98-11910 Filed 5-4-98; 8:45 am]

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

[Docket No. 97-CE-148-AD]

RIN 2120-AA64

Airworthiness Directives; Raytheon Aircraft Company Models A200CT, B200, B200C, B200CT, 200T/B200T, 300, B300, and B300C Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to Raytheon Aircraft Company (Raytheon) Models A200CT, B200, B200C, B200CT, 200T/B200T, 300, B300, and B300C airplanes. The proposed action would require replacing the main landing gear left and right actuator clevis assembly. Reports of main landing gear failure on two of the affected airplanes prompted the proposed action. The actions specified by the proposed AD are intended to prevent failure of the actuator clevis assembly in the main landing gear, which could result in loss

of control of the airplane during landing operations.

DATES: Comments must be received on or before July 10, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-148-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085; telephone: (800) 625-7043 or (316) 676-4556. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Steven E. Potter, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone (316) 946-4146; facsimile (316) 946-4407.

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 should 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 that summarizes 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 No. 97-CE-148-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, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-148-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received two reports of failed main landing gear (MLG) on Raytheon Models B200 and B200C airplanes. Further investigation shows the MLG actuator clevis in these airplanes failed from fatigue cracking in the threaded shank portion of the clevis. The MLG actuator clevis assembly that is currently installed in these Raytheon airplanes could also fracture causing collapse of the MLG while landing.

Relevant Service Information

Raytheon Aircraft has issued Mandatory Service Bulletin No. 2728, Issued: June 1997, Revision No. 1, dated February 1998, which specifies replacing the left and right MLG actuator clevis assembly with a new MLG actuator clevis assembly of improved design.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent failure of the actuator clevis assembly in the main landing gear, which, if not corrected, could result in loss of control of the airplane during landing operations.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Raytheon Models A200CT, B200, B200C, B200CT, 200T/B200T, 300, B300, and B300C of the same type design, the proposed AD would require replacing the left and right MLG actuator clevis assembly with a new actuator clevis assembly of improved design.

Cost Impact

The FAA estimates that 897 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 5 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$581 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$790,257, or \$881 per airplane. The manufacturer has

informed the FAA that 105 owners/operators of these airplanes have already accomplished the proposed action; therefore, the total cost impact of the proposed AD on U.S. operators would be reduced by \$92,505 from \$790,257 to \$697,752.

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 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) 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 has been placed 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 a new airworthiness directive (AD) to read as follows:

Raytheon Aircraft Company: Docket No. 97-CE-148-AD.

Applicability: Airplane models listed below, certificated in any category.

Model	Serial No.
B200	BB-1158, BB-1167, BB-1193 through BB-1263, BB-1265 through BB-1286, BB-1287, BB-1288, BB-1290 through BB-1300, BB-1302 through BB-1425, BB-1427 through BB-1447, BB-1449, BB-1450, BB-1453, BB-1455, BB-1456, and BB-1458 through BB-1559.
B200C	BL-124 through BL-140.
B200CT (FW-II)	FG-1 and FG-2.
200T/B200T	BT-31 through BT-38.
300	FA-1 through FA-230 and FF-1 through FF-19.
B300	FL-1 through FL-159.
B300C	FM-1 through FM-9 and FN-1.
A200CT (C-12D)	BP-46 through BP-51.
A200CT (C-12F)	BP-52 through BP-63.
A200CT (RC-12K)	FE-1 through FE-9.
A200CT (RC-12N)	FE-10 through FE-24.
A200CT (RC-12P)	FE-25 through FE-31, FE-33, FE-35.
A200CT (RC-12Q)	FE-32, FE-34, FE-36.
B200C (C-12F)	BP-64 through BP-71, BL-73 through BL-112, and BL-118 through BL-123.
B200C (UC-12F)	BU-1 through BU-10.
B200CT (RC-12F)	BU-11 and BU-12.
B200C (UC-12M)	BV-1 through BV-10.
B200C (RC-12M)	BV-11 and BV-12.
B200C (C-12R)	BW-1 through BW-29.

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 within the next 200 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent failure of the actuator clevis rod in the main landing gear, which could result in loss of control of the airplane during landing operations, accomplish the following:

(a) Replace the left and right main landing gear actuator clevis assembly with a new MLG actuator clevis assembly of improved design in accordance with the Accomplishment Instructions section in Raytheon Aircraft Mandatory Service Bulletin No. 2728, Issued: June, 1997, Revision No. 1, February, 1998.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on April 29, 1998.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-11887 Filed 5-4-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-103-AD]

RIN 2120-AA64

Airworthiness Directives; Dornier Model 328-100 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 Dornier Model 328-100 series airplanes. This proposal would require modification of the ground cooling fan. This proposal is prompted by issuance of mandatory continuing airworthiness

information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the ground cooling fan, which could result in smoke in the flight deck and cabin and consequent inability of the flight crew to perform duties or possible passenger injury due to smoke inhalation.

DATES: Comments must be received by June 4, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-103-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 FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such