

(a) Within 9 months after the effective date of this AD, perform a one-time inspection to detect discrepancies in the electrical wiring or wiring harness located behind the lavatory, in accordance with Bombardier Service Bulletin S.B. 8-24-50, dated April 25, 1997.

(1) If no discrepancy is found, prior to further flight, modify the wiring harness and the lavatory forward panel, in accordance with the service bulletin.

(2) If any discrepancy is found, prior to further flight, repair it and modify the wiring harness and the lavatory forward panel, in accordance with the service bulletin.

(b) 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, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(c) 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.

(d) The actions shall be done in accordance with Bombardier Service Bulletin S.B. 8-24-50, dated April 25, 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 Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; 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 Canadian airworthiness directive CF-97-14, dated July 22, 1997.

(e) This amendment becomes effective on October 27, 1998.

Issued in Renton, Washington, on September 15, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-270-AD; Amendment 39-10787; AD 98-20-21]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes Equipped With Heath Tecna Aerospace Extended Spacial Concept Interior III Installed in Accordance With Supplemental Type Certificate SA4744NM

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas DC-9-80 series airplanes, that requires an inspection to detect discrepancies of electrical plugs and receptacles of the sidewall lighting system in the passenger cabin, and to verify that the ends of all pins and sockets are even and that they are seated and locked into place. This amendment also requires replacement of any discrepant part with a new part, and modification of the electrical wiring and connectors of the sidewall lighting system in the passenger cabin. This amendment is prompted by reports of failures of the electrical connectors in the sidewall fluorescent lighting, which resulted in smoke or lighting interruption in the passenger cabin. The actions specified by this AD are intended to prevent failures of the electrical connectors, which could result in poor socket/pin contact, excessive heat, electrical arcing, and consequently, connector burnthrough and smoke in the passenger cabin.

DATES: Effective October 27, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 27, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Hexcel Interiors (formerly Heath Tecna Aerospace), 3225 Woburn Street, Bellingham, Washington 98226. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stephen S. Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227-2793; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas DC-9-80 series airplanes was published in the **Federal Register** on April 24, 1997 (62 FR 19946). That action proposed to require an inspection to detect discrepancies of electrical plugs and receptacles of the sidewall lighting system in the passenger cabin, and to verify that the ends of all pins and sockets are even and that they are seated and locked into place. That action also proposed to require replacement of any discrepant part with a new part, and modification of the electrical wiring and connectors of the sidewall lighting system in the passenger cabin.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposal.

One commenter states that it does not own any of the affected airplanes and, therefore, is unaffected by the proposed rule.

Requests To Withdraw the Proposal

The Air Transport Association (ATA) of America states that a member airline will have accomplished the modification within the compliance times specified in AD 95-08-04, amendment 39-9193 (60 FR 19348, dated April 18, 1995), and that the proposal is duplicative in nature. (AD 95-08-04 is applicable to Model DC-9-80 series airplanes and Model MD-88 airplanes, as listed in McDonnell Douglas MD-80 Service Bulletin 33-99, dated May 24, 1994.) The commenter states that it already initiated plans to accomplish the modification requirements on all of the affected airplanes in its fleet. The FAA infers from this statement that the commenters do not consider that the actions required by the proposed rule are necessary and that the commenters request the proposed AD be withdrawn.

The applicability in AD 95-08-04 did not include those airplanes modified in accordance with Supplemental Type Certificate (STC) SA4744NM. Therefore, although the commenter has chosen to comply with the requirement for the

modification specified by this AD (which is identical to the modification required by AD 95-08-04), it is still necessary to issue this AD to address the identified unsafe condition for airplanes modified in accordance with STC SA4744NM.

Request To Evaluate Other Electrical Connectors

The Airline Pilots Association (ALPA) supports the proposal and accomplishment of the modification of the connectors of the side wall lighting to minimize the possibility of connector failure that could cause arcing. However, ALPA is concerned that other electrical connectors may be susceptible to the same failure mode as the discrepant connectors identified in the proposed AD. For this reason, ALPA requests the FAA to evaluate the other connectors.

The FAA acknowledges the concerns of the commenter. However, the FAA does not consider it necessary to evaluate other electrical connectors on these airplanes because it has received no information of a recurring problem on other electrical connectors. In addition, the FAA does not consider that this AD is the appropriate context in which to address this concern because the suggested evaluations would alter the actions currently required by this AD, and additional rulemaking would be required. In light of the identified unsafe condition, the FAA finds that to delay this action would be inappropriate. No change has been made to the final rule.

Limiting the Applicability

Since the issuance of the notice of proposed rulemaking (NPRM), the FAA finds that it is necessary to revise the final rule to reflect a change in the applicability. After issuance of the NPRM, the FAA approved Revision C, dated October 27, 1997, of Heath Tecna Drawing List HPD-DL-34. (Revision A, dated March 7, 1989, and Revision B, dated February 16, 1990, are considered to be FAA-approved drawing lists for installation of the Heath Tecna Aerospace Extended Spacial Concept Interior III, approved under STC SA4744NM.) Revision C incorporates corrective design changes into the ESCI III electrical installation such that the potential unsafe condition is eliminated. Therefore, if the actions specified by Revision C have been accomplished, it is unnecessary to comply with the requirements of this AD. In light of this, the applicability of this final rule has been revised to include only those airplanes on which the installation was accomplished in accordance with

Revision A or B of the previously referenced drawing list, and to exclude those airplanes on which the installation was accomplished in accordance with Revision C of the drawing list.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 28 McDonnell Douglas Model DC-9-80 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 28 airplanes of U.S. registry will be affected by this AD, that it will take approximately 75 work hours (which includes access and functional check) per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$1,700 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$173,600, or \$6,200 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the 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 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 final evaluation has

been prepared for this action and it is contained in the Rules Docket. A copy of it 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 the following new airworthiness directive:

98-20-21 McDonnell Douglas: Amendment 39-10787. Docket 96-NM-270-AD.

Applicability: Model DC-9-80 series airplanes, equipped with Heath Tecna Aerospace Extended Spacial Concept Interior III installed in accordance with Revision A, dated March 7, 1989, or Revision B, dated February 16, 1990, of Heath Tecna Drawing List HPD-DL-34, as approved under Supplemental Type Certificate SA4744NM; certificated in any category. This AD does not apply to airplanes on which Heath Tecna Aerospace Extended Spacial Concept Interior III was installed in accordance with Revision C, dated October 27, 1997, of Heath Tecna Drawing List HPD-DL-34.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 (b) 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 failures of the electrical connectors, which could result in poor socket/pin contact, excessive heat, electrical arcing, and consequently, connector burnthrough and smoke in the passenger cabin, accomplish the following:

(a) Within 12 months after the effective date of this AD, accomplish paragraph (a)(1)

and (a)(2) of this AD, in accordance with Heath Tecna Service Bulletin H0655-33-01, dated March 28, 1996.

(1) Perform a visual inspection to detect discrepancies (i.e., damage, burn marks, and black or brown discoloration) of the electrical plugs and receptacles of the sidewall lighting system in the passenger cabin, and to verify that the ends of all pins and sockets are even and that they are seated and locked into place, in accordance with the service bulletin. If any discrepancy is detected, prior to further flight, replace the discrepant part with a new part in accordance with the service bulletin.

(2) Modify the electrical wiring and connectors of the sidewall lighting system in the passenger cabin in accordance with paragraph 2.H. of the Accomplishment Instructions of the service bulletin.

(b) 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, Seattle 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, Seattle ACO.

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

(c) 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.

(d) The actions shall be done in accordance with Heath Tecna Service Bulletin H0655-33-01, dated March 28, 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 Hexcel Interiors (formerly Heath Tecna Aerospace), 3225 Woburn Street, Bellingham, Washington 98226. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on October 27, 1998.

Issued in Renton, Washington, on September 15, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 732, 734, 740, 742, 743, 748, 750, 752, 770, 772, and 774

[Docket No. 980911233-8233-01]

RIN 0694-AB80

Encryption Items

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Interim rule.

SUMMARY: This interim rule amends the Export Administration Regulations (EAR) by clarifying controls on the export and reexport of encryption items (EI) controlled for "EI" reasons on the Commerce Control List. This rule incorporates public comments on an interim rule published in the **Federal Register** on December 30, 1996, and implements new licensing policies for general purpose non-recoverable non-voice encryption commodities or software of any key length for distribution to banks and financial institutions in specified countries.

DATES: Effective Date: This rule is effective September 22, 1998. Comments: Comments on this rule must be received on or before November 6, 1998.

ADDRESSES: Written comments on this rule should be sent to Nancy Crowe, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: James Lewis, Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, Telephone: (202) 482-0092.

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1996, the Bureau of Export Administration (BXA) published in the **Federal Register** (61 FR 68572) an interim rule that exercises jurisdiction over, and imposes new combined national security and foreign policy controls on, certain encryption items that were on the United States Munitions List, consistent with Executive Order (E.O.) 13026 and pursuant to the Presidential Memorandum of that date, both issued by President Clinton on November 15, 1996.

BXA received comments from 45 commenters, and the comments fall into three broad categories: general concerns and objections to the policy embodied in the regulations; recommendations for

specific changes or clarifications to the regulations that are consistent with the broad encryption policy implemented in the December 30 rule; and recommendations for additional changes to encryption policy.

Suggestions for Changes to Clarify Existing Policy

A number of commenters provided specific suggestions for changes or clarifications which are consistent with the intent of the policy and which would streamline or improve the regulations. Many of these suggestions are implemented in this rule, such as clarifying that the tools of trade provisions of License Exception TMP and License Exception BAG apply globally and clarifying that anti-virus software does not require a license for export.

Several commenters asked the Department of Commerce to adopt exemptions to license requirements which were available for encryption exporters under § 123.16(b)(2) and (b)(9) of the International Traffic and Arms Regulations (ITAR), such as those which allowed the export of components to a U.S. subsidiary or which allowed the export of spare parts and components without a license for an already approved sale. This rule adds these new provisions under License Exception TMP, making them applicable to encryption controlled items as well as other items eligible for TMP treatment.

Two commenters asked that the regulations clarify that the ITAR licensing policy for equipment specially made for and limited to the encryption of interbanking transactions had not changed with the transfer of jurisdiction of encryption products to the Department of Commerce. This interim rule clarifies that this equipment is not subject to EI controls.

Several commenters recommended a number of changes to the Key Escrow Product and Agent criteria found in Supplement Nos. 4 and 5 part to 742 of the EAR. These recommendations were to simplify the criteria, and to modify some of the specific prescriptions to allow for greater flexibility and variation on the part of exporters. Many commenters found the criteria too bureaucratic and legalistic to help advance U.S. encryption policy goals, while others noted that the criteria were still overly focused on key escrow and not consistent with the broader approach to key recovery found elsewhere in the regulation. Several commenters also encouraged the administration to make clear that it had moved beyond key escrow to key recovery in its policy. One commenter