

Such a Distribution must satisfy the conditions in this paragraph (a).

\* \* \* \* \*

41. Section 107.1590 is amended by removing paragraph (c), redesignating paragraph (d) as paragraph (c), and revising paragraph (a)(1) to read as follows:

**§ 107.1590 Special rules for companies licensed on or before March 31, 1993.**

\* \* \* \* \*

(a) *Election to exclude pre-existing portfolio.* \* \* \*

(1) The proceeds of your first issuance of Participating Securities are not used to refinance outstanding Debentures (see § 107.1585(a)). SBA will consider payment or prepayment of any outstanding Debenture to be a refinancing unless you demonstrate to SBA's satisfaction that you can pay the Debenture principal without relying on the proceeds of the Participating Securities.

\* \* \* \* \*

42. In § 107.1600, the first sentence of paragraph (a) and paragraph (b) are revised to read as follows:

**§ 107.1600 SBA authority to issue and guarantee Trust Certificates.**

(a) *Authorization.* Sections 319(a) and (b) of the Act authorize SBA or its CRA to issue TCs, and SBA to guarantee the timely payment of the principal and interest thereon. \* \* \*

(b) *Periodic exercise of authority.* SBA will issue guarantees of Debentures and Participating Securities under section 303 and of TCs under section 319 of the Act at six month intervals, or at shorter intervals, taking into account the amount and number of such guarantees or TCs.

\* \* \* \* \*

43. Section 107.1720 is added to subpart I to read as follows:

**§ 107.1720 Characteristics of SBA's guarantee.**

If SBA agrees to guarantee a Licensee's Debentures or Participating Securities, such guarantee will be unconditional, irrespective of the validity, regularity or enforceability of the Debentures or Participating Securities or any other circumstances which might constitute a legal or equitable discharge or defense of a guarantor. Pursuant to its guarantee, SBA will make timely payments of principal and interest on the Debentures or the Redemption Price of and Prioritized Payments on the Participating Securities.

44. In § 107.1820, paragraph (e)(9) is revised to read as follows:

**§ 107.1820 Conditions affecting issuers of Preferred Securities and/or Participating Securities.**

\* \* \* \* \*

(e) *Restricted Operations Conditions.* \* \* \*

(9) *Failure to meet investment requirements.* You fail to make the amount of Equity Capital Investments required for Participating Securities (§ 107.1500(b)(4)), if applicable to you; or you fail to maintain as of the end of each fiscal year the investment ratios or amounts required for Leverage in excess of 300 percent of Leverageable Capital (§ 107.1160(c)) or Preferred Securities in excess of 100 percent of Leverageable Capital (§ 107.1160(d)), if applicable to you. In determining whether you have met the maintenance requirements in § 107.1160(c) or (d), SBA will disregard any prepayment, sale, or disposition of Venture Capital Financings, any increase in Leverageable Capital, and any receipt of additional Leverage, within 120 days prior to the end of your fiscal year.

\* \* \* \* \*

45. In § 107.1830, paragraph (a) is revised to read as follows:

**§ 107.1830 Licensee's Capital Impairment—definition and general requirements.**

(a) *Applicability of this section.* This section applies to Leverage issued on or after April 25, 1994. For Leverage issued before April 25, 1994, you must comply with paragraphs (e) and (f) of this section and the Capital Impairment regulations in this part in effect when you issued your Leverage. For all Leverage issued, you must also comply with any contractual provisions to which you have agreed.

\* \* \* \* \*

Dated: January 28, 1998.

**Aida Alvarez,**  
*Administrator.*

[FR Doc. 98-2556 Filed 2-4-98; 8:45 am]

BILLING CODE 8025-01-P

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F27 Mark 050 series airplanes. This action requires modification of the window frames surrounding the windshield windows and installation of reinforcement plates on all window frames of the flight compartment. For certain airplanes, this action requires modification of the window frames surrounding the sliding windows and direct vision windows of the flight compartment. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent structural degradation of the window frames of the flight compartment, which could result in depressurization of the airplane during flight.

**DATES:** Effective February 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 20, 1998.

Comments for inclusion in the Rules Docket must be received on or before March 9, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 97-NM-261-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined 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.

**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:** The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on certain Fokker Model F27 Mark 050 series airplanes. The RLD advises that it has received a report indicating that, during

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 97-NM-261-AD; Amendment 39-10300; AD 98-03-08]

RIN 2120-AA64

**Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

fatigue testing performed on a Model F27 Mark 050 test article, cracking was detected on the outside edges of the window frames of the flight compartment. Such fatigue cracking, if not detected and corrected in a timely manner, could result in structural degradation of the window frames of the flight compartment and depressurization of the airplane during flight.

#### **Explanation of Relevant Service Information**

Fokker has issued Service Bulletin SBF50-53-015, dated August 16, 1989, which describes procedures for modification of the outside edges of the window frames surrounding the sliding windows and the direct vision windows of the flight compartment.

Fokker also has issued Service Bulletins SBF50-53-016, dated December 20, 1989; and SBF50-53-048, dated October 17, 1994. These two service bulletins describe procedures for modification of the outside edges of the window frames surrounding the windshield windows, and installation of reinforcement plates on all window frames of the flight compartment.

Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

The RLD classified the three referenced service bulletins as mandatory and issued Dutch airworthiness directives 89-98, dated August 25, 1989; and 1990-002/2(A), dated February 28, 1995; in order to assure the continued airworthiness of these airplanes in the Netherlands.

#### **FAA's Conclusions**

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### **Explanation of Requirements of the Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United

States, this AD is being issued to require accomplishment of the actions specified in the service bulletins described previously.

#### **Cost Impact**

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future. In that event, the following cost estimates are provided.

It would require approximately 3 work hours to accomplish the actions of Fokker Service Bulletin SBF50-53-015, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this AD for accomplishment of this service bulletin would be \$180 per airplane.

It would require approximately 61 work hours to accomplish the actions of Fokker Service Bulletin SBF50-53-016, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$3,600. Based on these figures, the cost impact of this AD for accomplishment of this service bulletin would be \$7,260 per airplane.

It would require approximately 170 work hours to accomplish the required actions of Fokker Service Bulletin SBF50-53-048, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$3,000. Based on these figures, the cost impact of this AD for accomplishment of this service bulletin would be \$13,200 per airplane.

#### **Determination of Rule's Effective Date**

Since this AD action does not affect any airplane that is currently on the U.S. Register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

#### **Comments Invited**

Although this action is in the form of a final rule and was not preceded by notice and 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 shall 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 Number 97-NM-261-AD." The postcard will be date stamped and returned to the commenter.

#### **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:

**98-03-08 Fokker:** Amendment 39-10300. Docket 97-NM-261-AD.

**Applicability:** Model F27 Mark 050 series airplanes; serial numbers 20103 through 20108 inclusive, 20110 through 20149 inclusive, 20151 through 20155 inclusive, 20159, and 20160; 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 structural degradation of the window frames of the flight compartment, which could result in depressurization of the airplane during flight, accomplish the following:

(a) For airplanes having serial numbers 20103 through 20108 inclusive, and 20110 through 20122 inclusive: Prior to the accumulation of 10,000 total flight cycles, or within 90 days after the effective date of this AD, whichever occurs later, modify the outside edges of the window frames surrounding the sliding windows and direct vision windows of the flight compartment, in accordance with Fokker Service Bulletin SBF50-53-015, dated August 16, 1989.

(b) Prior to the accumulation of 15,000 total flight cycles, or within 90 days after the effective date of this AD, whichever occurs later, modify the outside edges of the window frames surrounding the windshield windows and install reinforcement plates on

all window frames of the flight compartment; in accordance with Fokker Service Bulletin SBF50-53-016, dated December 20, 1989, or Fokker Service Bulletin SBF50-53-048, dated October 17, 1994.

(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, International Branch, ANM-116, 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, International Branch, ANM-116.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(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.

(e) The actions shall be done in accordance with Fokker Service Bulletin SBF50-53-015, dated August 16, 1989; Fokker Service Bulletin SBF50-53-016, dated December 20, 1989; or Fokker Service Bulletin SBF50-53-048, dated October 17, 1994; as applicable. 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 Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. 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.

**Note 3:** The subject of this AD is addressed in Dutch airworthiness directives 89-98, dated August 25, 1989; and 1990-002/2 (A), dated February 28, 1995.

(f) This amendment becomes effective on February 20, 1998.

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

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 98-2523 Filed 2-4-98; 8:45 am]

**BILLING CODE 4910-13-U**

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

[Docket No. 97-NM-154-AD; Amendment 39-10304; AD 98-03-12]

**RIN 2120-AA64**

**Airworthiness Directives; Dornier Model 328-100 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Dornier Model 328-100 series airplanes, that requires a one-time inspection of the date stamp affixed to the wing deicing boots to determine the cure date, and replacement of the deicing boot with a new boot, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent delamination of the wing deicing boots, and resultant inflation of the deicing boots to a distorted aerodynamic shape during flight, which could result in reduced controllability of the airplane.

**DATES:** Effective March 12, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 12, 1998.

**ADDRESSES:** The service information referenced in this AD may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. 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:**

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:** 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 all Dornier Model 328-100 series airplanes was published in the **Federal Register** on November 28, 1997 (62 FR 63286). That action