

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

**Fokker Services B.V.:** Docket 98–NM–98–AD.

*Applicability:* Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes; equipped with Dunlop main landing gear (MLG) actuating rams having part number (P/N) AC67132, AC67134, AC67848, or AC67850; 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 loss of dampening of the MLG actuating ram, which could result in failure of the MLG lockstruts, and consequent structural damage to the airplane, accomplish the following:

(a) Within 4,000 flight hours or 2 years after the effective date of this AD, whichever occurs first, replace the actuating ram bobbin, O-ring seals, and back-up O-ring seals of the MLG, with new bobbins and improved O-ring seals, in accordance with Fokker Service Bulletin F27/32–168, dated October 23, 1996.

**Note 2:** Dunlop Equipment Division Service Bulletin SB 32–1142, dated October 22, 1996, and Revision 1, dated January 14, 1997, provide service information for accomplishment of the modification.

(b) As of the effective date of this AD, no person shall install on any airplane a Dunlop Main Undercarriage Ram, part number (P/N) AC67132, AC67134, AC67848, or AC67850, unless it has been modified in accordance with Fokker Service Bulletin F27/32–168, dated October 23, 1996.

(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 request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

**Note 3:** 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.

**Note 4:** The subject of this AD is addressed in Dutch airworthiness directive 1996–142(A), dated November 29, 1996.

Issued in Renton, Washington, on April 8, 1998.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
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## DEPARTMENT OF COMMERCE

### Bureau of the Census

#### 15 CFR Part 30

[Docket No. 980331081–8081–01]

RIN 0607–AA22

#### Foreign Trade Statistics Regulations; Reporting the Value of Foreign Military Sales Shipments

**AGENCY:** Bureau of the Census, Commerce.

**ACTION:** Notice of proposed rulemaking and request for comments.

**SUMMARY:** The Bureau of the Census (Census Bureau) proposes amending the Foreign Trade Statistics Regulations (FTSR) by adding a section requiring exporters or their designated agents to include a foreign military sales indicator code on the Shipper's Export Declaration (SED) Form, Automated Export System (AES) Record Layout, and Automated Export Reporting Program (AERP) Record Layout. This would apply whenever a commercial exporter is shipping goods or reporting the repair of military equipment under provisions of the Foreign Military Sales (FMS) program. The Census Bureau is taking this action to assist the Bureau of Economic Analysis (BEA), Department of Commerce, in improving the accuracy and reliability of data collected on the value of exports made under the FMS program. Exports under the FMS program are a component of the U.S. balance of payments accounts and of the U.S. Gross Domestic Product (GDP). The Census Bureau also is taking this action to assist both the Census Bureau and BEA in improving the accuracy and reliability of estimates presented in the Department of Commerce's monthly release "U.S. International Trade in Goods and Services." The BEA has reviewed and approved this proposed rulemaking. The Department of Treasury concurs with the provisions contained in this rule.

**DATES:** Written comments must be submitted on or before May 15, 1998.

**ADDRESSES:** Direct all written comments on this proposed rulemaking to the Acting Director, Bureau of the Census, Room 2049, Federal Building 3, Washington, D.C. 20233.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to C. Harvey Monk, Jr., Chief, Foreign Trade Division, Bureau of the Census, Room 2104, Federal Building 3, Washington, D.C. 20233–6700, by telephone on (301) 457–2255 or by fax on (301) 457–2645.

#### SUPPLEMENTARY INFORMATION:

##### Background

The FMS program is authorized under the provisions of the Arms Export Control Act of 1976 (Public Law 90–629, as amended) and predecessor legislation. Under this program, goods and services are transferred directly to foreign governments and international organizations by the U.S. Department of Defense (DOD). The delivery is recorded by DOD at the time ownership is transferred to the foreign government or international organization. This recording is consistent with balance of payments accounting principles. The transfer may be made abroad, in the United States for shipment abroad, or for use in the United States. In the latter case, although the goods physically remain in the United States (for example, equipment to train foreign personnel), ownership is transferred to a foreign government. Transfers also may be made from stocks at U.S. military installations abroad. The SEDs are not required for FMS transactions by DOD agencies; SEDs are required by commercial exporters, but these SEDs do not separately identify FMS transactions.

##### Program Requirements

The DOD submits quarterly reports to BEA under provisions of the Office of Management and Budget's (OMB) Statistical Policy Directive No. 19, "Reports of the Department of Commerce on International Transactions." These reports contain details of FMS deliveries by broad product category, by country of destination, and by military agency (Army, Navy, Air Force, and other DOD agencies). The reports include deliveries carried out by both DOD and commercial exporters. The BEA prepares estimates of FMS deliveries based on these reports for the quarterly balance of payments accounts.

The DOD also submits monthly reports to the Census Bureau that

contain detailed statistics on military assistance (Foreign Aid/Grant Aid) shipments made from the United States by the DOD and shipments made under the FMS program by the military agencies. These monthly reports are furnished to the Census Bureau in lieu of the SED in order to facilitate shipments of material under Grant Aid and FMS auspices. However, these reports do not cover FMS deliveries by commercial exporters, which comprise a significant share of FMS deliveries.

In order to reconcile the two sets of data provided by DOD, the Census Bureau is proposing to add an FMS indicator code to the SEDs and the electronic transmissions required from commercial exporters. The addition of this indicator code will assure more accurate identification of FMS transactions in the goods data reported to the Census Bureau and enable BEA to make a more accurate estimate of this class of FMS transactions when it removes them from the goods data to avoid counting these transactions twice when it compiles the balance of payments accounts. An FMS indicator code on the SEDs and electronic transmissions from commercial exporters will permit BEA and the Census Bureau to improve the accuracy and reliability of its balance of payments and GDP estimates, as well as the estimates published in the "U.S. International Trade in Goods and Services" release.

The Census Bureau is proposing to amend Section 30.7(p) of the FTSR to add paragraph (5) requiring commercial exporters to identify those exports that represent FMS deliveries with an "M" indicator code in Item (16) on Commerce Form 7525-V and in Item (23) on Commerce Form 7525-V-ALT (Intermodal) on the paper SEDs, with an "FS" Export Information Code on the Commodity Line Item Description (CL1) record on the AES record layout, and with a "3" indicator code in field 2 (Type) of the AERP record layout for participants of the AERP.

#### Rulemaking Requirements

This rule is exempt from all requirements of Section 553 of the Administrative Procedure Act because it deals with a foreign affairs function (5 U.S.C. (A)(1)). However, this rule is being published as a proposed rule, with an opportunity for public comment because of the importance of the issues raised by this rulemaking.

#### Regulatory Flexibility Act

Because a notice of proposed rulemaking is not required by 5 U.S.C. 553 or any other law, a Regulatory

Flexibility Analysis is not required and has not been prepared (5 U.S.C. 603(a)).

#### Executive Orders

This rule has been determined to be not significant for purposes of Executive Order 12866. This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

#### Paperwork Reduction Act

Notwithstanding any other provisions of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule covers collections of information subject to the provisions of the PRA, which are cleared by the OMB under OMB control number 0607-0152.

This rule will not impact the current reporting-hour burden requirements as approved under OMB control number 0607-0152 under provisions of the Paperwork Reduction Act of 1995, Public Law 104-13.

#### List of Subjects in 15 CFR Part 30

Economic statistics. Foreign trade. Exports. Reporting and record keeping requirements.

For the reasons set out in the preamble, it is proposed that part 30 be amended as follows:

#### PART 30—FOREIGN TRADE STATISTICS REGULATIONS

1. The authority citation for 15 CFR Part 30 continues to read as follows:

**Authority:** 5 U.S.C. 301; 13 U.S.C. 301-307; Reorganization Plan No. 5 of 1950 (3 CFR 1949-1953 Camp., 1004); Department of Commerce Organization Order No. 35-2A, August 4, 1975, 40 CFR 42765.

#### Subpart A—General Requirements—Exporter

2. Section 30.7 is proposed to be amended by adding paragraph (p)(5) to read as follows:

##### § 30.7 Information required on Shipper's Export Declarations.

\* \* \* \* \*

(p) \* \* \*  
(5) *Foreign Military Sales (FMS) indicator.* For any export that represents the delivery of goods or the repair of military equipment under provisions of the FMS program, an "M" indicator code should be included in Item (16) on Commerce Form 7525-V and in Item (23) on Commerce Form 7525-V-ALT

(Intermodal) of the paper SED, with an "FS" Export Information Code on the Commodity Line Item Description (CL1) field of the Automated Export System (AES) record layout, and a "3" indicator code in field 2 (Type) of the Automated Export Reporting Program (AERP) record layout. This indicator code should be used in lieu of the domestic (D) or foreign (F) indicator code required in those fields on the SED Form, the AES record, and the AERP record. The FMS indicator code will serve to identify more accurately that segment of U.S. exports that represent FMS deliveries in the U.S. export statistics.

\* \* \* \* \*

Dated: March 25, 1998.

**James F. Holmes,**

*Acting Director, Bureau of the Census.*

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#### DEPARTMENT OF LABOR

#### Pension and Welfare Benefits Administration

#### 29 CFR Part 2510

RIN 1210-AA48

#### Plans Established or Maintained Pursuant to Collective Bargaining Agreements Under Section 3(40)(A)

**AGENCY:** Pension and Welfare Benefits Administration, Department of Labor.

**ACTION:** Notice of intent to form a negotiated rulemaking advisory committee.

**SUMMARY:** The Department of Labor (Department) intends to form a Negotiated Rulemaking Advisory Committee (Committee) in accordance with the Negotiated Rulemaking Act of 1990 and the Federal Advisory Committee Act. The Committee will negotiate the development of a proposed rule implementing the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. 1001-1461 (ERISA). The purpose of the proposed rule is to establish a process and criteria for a finding by the Secretary of Labor that an agreement is a collective bargaining agreement for purposes of section 3(40) of ERISA. The proposed rule will also provide guidance for determining when an employee benefit plan is established or maintained under or pursuant to such an agreement. Employee benefit plans that are established or maintained for the purpose of providing benefits to the employees of more than one employer