

public comment a proposed rule to amend Part 348 of FDIC regulations, Management Official Interlocks, which implements the Depository Institution Management Interlocks Act (the Interlocks Act). The Interlocks Act generally prohibits certain management official interlocks between unaffiliated depository institutions, depository holding companies, and their affiliates. The proposed amendment, undertaken as part of a joint initiative by the FDIC, the Board of Governors of Federal Reserve Board and the Office of the Comptroller of the Currency, would have created an exception to the bar on management interlocks for depository institutions that control only a small percentage of the total deposits in the community or relevant metropolitan statistical area where the institutions are located (the small market share exemption). The proposed rule was published in the **Federal Register** on April 20, 1994 and the comment period expired on June 20, 1994. 59 FR 18764.

### **The Riegle Community Development and Regulatory Improvement Act**

On September 23, 1994, President Clinton signed the Riegle Community Development and Regulatory Improvement Act of 1994 into law (Pub. L. 103-325, 108 Stat. 2160) (the RCDRI Act).

Section 338 of the RCDRI Act modified the authority of the federal banking agencies to create regulatory exceptions to the bar on management interlocks. It provides that exemptions may be granted on a case-by-case basis for: interlocks to improve the provision of credit to low- and moderate-income areas, increase the competitive position of minority- and women-owned institutions, or strengthen the management of newly chartered institutions that are in an unsafe or unsound condition. Federal banking agencies may establish a program to permit such interlocks on a case-by-case basis for a period of two years, with authorization to grant an additional extension of two more years.<sup>1</sup>

Section 338 also amended the Interlocks Act in such a way as to limit the authority of the federal banking agencies to create other exceptions to the prohibition on management interlocks solely to a case-by-case basis and then, only if a statutorily defined high standard is met, may an exception

be granted.<sup>2</sup> Under the Interlocks Act as amended, in order for an exception to be granted, the federal banking agency must determine that (1) the service of the management official is critical to safe and sound operations of the affected depository institution, depository holding company or company; (2) the service will not have an anticompetitive effect; and (3) any additional requirements which the agency may impose have been satisfied. The board of directors of the affected depository institution must also provide a resolution to the appropriate federal banking agency indicating that no other candidate who is willing to serve possesses the necessary expertise.

### **Effect of Legislation on Proposal**

It is the opinion of the Board of Directors of the FDIC that the proposed amendment is not consistent with the limited authority to create exceptions on a bank-specific and case-by-case basis given the FDIC under the Interlocks Act as amended. Accordingly, the Board of Directors of the FDIC hereby withdraws from active consideration the proposed amendment to Part 348 of Title 12 of the Code of Federal Regulations which was published on April 20, 1994 (59 FR 18764).

### **List of Subjects in 12 CFR Part 348**

Antitrust, Banks, banking, Holding companies.

By order of the Board of Directors.

Dated at Washington, D.C., this 31st day of January, 1995.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Acting Executive Secretary.*

[FR Doc. 95-2857 Filed 2-6-95; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. 94-NM-252-AD]

### **Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Rolls Royce Model RB211 Series Engines**

**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 Boeing Model 747 series airplanes. This proposal would require modification of the nacelle strut and wing structure, inspections and checks to detect discrepancies, and correction of discrepancies. This proposal is prompted by the development of a modification of the strut and wing structure that improves the fail-safe capability and durability of the strut-to-wing attachments, and reduces reliance on inspections of those attachments. The actions specified by the proposed AD are intended to prevent failure of the strut and subsequent loss of the engine.

**DATES:** Comments must be received by March 6, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-252-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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Tim Backman, Aerospace Engineer, Airframe Branch, ANM-121S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2776; fax (206) 227-1181.

### **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 shall 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.

<sup>1</sup> Although the wording of these exemptions is slightly different, in essence Congress codified the existing regulatory exceptions that are available under Part 348 (with the exception of § 348.4(b)(5): "Loss of management officials due to change in circumstance").

<sup>2</sup> Prior to the RCDRI Act amendments, federal banking agencies had the authority under section 209 of the Interlocks Act (12 U.S.C. 3207) to promulgate rules and regulations permitting service by a management official which would otherwise be prohibited by the Interlocks Act.

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 summarizing 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 Number 94-NM-252-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, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-252-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The FAA has received numerous reports of fatigue cracking and/or corrosion in the strut-to-wing attachments on Boeing Model 747 series airplanes. In two cases, cracking resulted in the failure of a strut load path and the subsequent loss of the number 3 engine and strut. In both cases, catastrophic accidents occurred when the number 3 engine and strut separated from the wing of the airplane and struck the number 4 engine, causing it to separate from the airplane. Investigation into the cause of these accidents and other reported incidents has revealed that fatigue cracks and corrosion in the strut-to-wing attachments, if not detected and corrected in a timely manner, can result in failure of the strut and subsequent separation of the engine from the airplane. Investigation also has revealed that the structural fail-safe capability of the strut-to-wing attachment is inadequate on these airplanes.

The FAA has previously issued 9 AD's that address various problems

associated with the strut attachment assembly on Boeing Model 747 series airplanes that are equipped with Rolls Royce Model RB211 series engines. These AD's have required, among other things, inspections of the strut, and strut-to-wing attachment structure.

#### Explanation of Service Information

Boeing recently has developed a modification of the strut-to-wing attachment structure installed on Model 747 series airplanes equipped with Rolls Royce Model RB211 series engines. This modification significantly improves the load-carrying capability and durability of the strut-to-wing attachments. Such improvement also will substantially reduce the possibility of fatigue cracking and corrosion developing in the attachment assembly.

The FAA has reviewed and approved Boeing Alert Service Bulletin 747-54A2157, dated January 12, 1995, which describes procedures for modification of the nacelle strut and wing structure. This modification entails the following:

1. Changing the strut by adding a new titanium dual side load fitting to the strut aft bulkhead, installing new 15-5 stainless steel midspar fittings on the inboard struts, and replacing the aft bulkhead assembly and overhauling the spring beams on the outboard struts;
2. Changing the wing structure by installing a new dual side load underwing fitting and new support fitting, and replacing the end fitting and replacing the tee fitting bolts common to the rib at wing station (WS) 1140 [and for certain airplanes, installing a new stiffener at the wing midspar];
3. Changing the electrical wiring and hydraulics by rerouting the wire bundles around the new dual side load fitting, splicing additional wire to the wire bundles, and installing new hydraulic tubes; and
4. Installing the strut with a new upper link, a new diagonal brace, and new side links.

This alert service bulletin specifies that the modification of the nacelle strut and wing structure is to be accomplished prior to, or concurrently with, the terminating actions described in the service bulletins listed in paragraph I.C., Table 2, "Prior or

Concurrent Service Bulletins," on page 5 of this alert service bulletin. These terminating actions include the following:

1. Replacement of the diagonal brace, midspar and upper link fuse pins with new third generation 15-5 corrosion resistant steel fuse pins;
2. Installation of improved bushings in the strut-to-wing attachment fittings;
3. Replacement of certain strut-to-wing attachment fitting fasteners; and
4. Inspection and torque check of certain fasteners of the strut-to-wing attachment fittings.

Paragraph III, NOTES 8, 9, and 13 of the Accomplishment Instructions on pages 109 and 110 of the alert service bulletin also describes procedures for inspections and checks to detect discrepancies of the adjacent structure and correction of any discrepancies.

#### Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require modification of the nacelle strut and wing structure, inspections and checks to detect discrepancies in the adjacent structure, and correction of discrepancies. The actions would be required to be accomplished in accordance with the alert service bulletin described previously.

The FAA has determined that long term continued operational safety will be better assured by design changes to remove the source of the problem, rather than by repetitive inspections. Long term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous continual inspections, has led the FAA to consider placing less emphasis on inspections and more emphasis on design improvements. The proposed modification requirement is in consonance with these considerations.

Accomplishment of the modification of the nacelle strut and wing structure would terminate the inspections required by the following AD's:

AD No.	Amendment No.	Federal Register citation	Date of publication
93-17-07 .....	39-8678	58 FR 45827	August 31, 1993.
93-03-14 .....	39-8518	58 FR 14513	March 18, 1993.
92-24-51 .....	39-8439	57 FR 60118	December 18, 1992.
90-20-20 .....	39-6725	55 FR 37859	September 14, 1990.
89-07-15 .....	39-6167	54 FR 11693	March 22, 1989.
87-04-13 R1 .....	39-5836	53 FR 2005	January 26, 1988.
86-05-11 R1 .....	39-5334	51 FR 21900	June 17, 1986.
86-23-01 .....	39-5450	51 FR 37712	October 26, 1986.
79-17-07 .....	39-3533	44 FR 50033	August 27, 1979.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.

#### Cost Estimate

Currently, there are no Model 747 series airplanes of the affected design, equipped with Rolls Royce Model RB211 series engines, on the U.S. Register. However, should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 6,545 work hours to accomplish the required actions, at an average labor charge of \$60 per work hour. The manufacturer would incur the cost of labor, on a pro-rated basis, with 20 years being the expected life of these airplanes. The median age for the fleet of Model 747 series airplanes equipped with Rolls Royce Model RB211 series engines is estimated to be 6 years. Required parts would be supplied by the manufacturer at no cost to operators. Based on these figures, the total cost impact of this AD would be \$117,810 per airplane.

This cost impact figure does not reflect the cost of the terminating actions described in the service bulletins listed in paragraph I.C., Table 2, "Prior or Concurrent Service Bulletins," on page 5 of Boeing Alert Service Bulletin 747-54A2157, dated January 12, 1995, that are proposed to be accomplished prior to, or

concurrently with, the modification of the nacelle strut and wing structure. Since some operators may have accomplished certain modifications on some or all of the airplanes in its fleet, while other operators may not have accomplished any of the modifications on any of the airplanes in its fleet, the FAA is unable to provide a reasonable estimate of the cost of accomplishing the terminating actions described in the service bulletins listed in Table 2 of the Boeing alert service bulletin. As indicated earlier in this preamble, the FAA invites comments specifically on the overall economic aspects of this proposed rule. Any data received via public comments to this notice will aid the FAA in developing an accurate accounting of the cost impact of the rule.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent operators would accomplish the required actions even if they were not required to do so by the AD.

A full cost-benefit analysis has not been accomplished for this proposed AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements.

In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this proposed AD, makes a finding of an unsafe condition, this means that the original cost-beneficial level of safety is no longer being achieved and that the proposed actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this proposed AD would be redundant and unnecessary.

#### 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 proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the 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 is contained 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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

**§ 39.13 [Amended]**

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

**Boeing:** Docket 94–NM–252–AD.

**Applicability:** Model 747 series airplanes having line positions 292 through 1033 inclusive, equipped with Rolls Royce Model RB211 series engines; 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 use the authority provided in paragraph (c) 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 airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent failure of the strut and subsequent loss of the engine, accomplish the following:

(a) Accomplish the modification of the nacelle strut and wing structure in accordance with Boeing Alert Service Bulletin 747–54A2157, dated January 12, 1995, at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable. All of the terminating actions described in the service bulletins listed in paragraph I.C., Table 2, "Prior or Concurrent Service Bulletins," on page 5 of Boeing Alert Service Bulletin 747–54A2157, dated January 12, 1995, must be

accomplished in accordance with those service bulletins prior to, or concurrently with, the accomplishment of the modification of the nacelle strut and wing structure required by this paragraph.

(1) For Model 747–400 series airplanes having line positions 705 through 1033 inclusive, equipped with Rolls Royce Model RB211–524G and H engines: Within 80 months after the effective date of this AD.

(2) For all other Model 747 series airplanes equipped with Rolls Royce Model RB211 series engines not subject to the requirements of paragraph (a)(1) of this AD: Within 56 months after the effective date of this AD.

(b) Perform the inspections and checks specified in paragraph III, NOTES 8, 9, and 13 of the Accomplishment Instructions on pages 109 and 110 of Boeing Alert Service Bulletin 747–54A2157, dated January 12, 1995, concurrently with the modification of the nacelle strut and wing structure required by paragraph (a) of this AD. Prior to further flight, correct any discrepancies found in accordance with the alert service bulletin.

(c) Accomplishment of the modification of the nacelle strut and wing structure in accordance with Boeing Alert Service Bulletin 747–54A2157, dated January 12, 1995, constitutes terminating action for the inspections required by the following AD's:

AD No.	Amendment No.	Federal Register citation	Date of publication
93–17–07 .....	39–8678	58 FR 45827	August 31, 1993.
93–03–14 .....	39–8518	58 FR 14513	March 18, 1993.
92–24–51 .....	39–8439	57 FR 60118	December 18, 1992.
90–20–20 .....	39–6725	55 FR 37859	September 14, 1990.
89–07–15 .....	39–6167	54 FR 11693	March 22, 1989.
87–04–13 R1 .....	39–5836	53 FR 2005	January 26, 1988.
86–05–11 R1 .....	39–5334	51 FR 21900	June 17, 1986.
86–23–01 .....	39–5450	51 FR 37712	October 26, 1986.
79–17–07 .....	39–3533	44 FR 50033	August 27, 1979.

(d) 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.

(e) 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. Issued in Renton, Washington, on February 1, 1995.

**Darrell M. Pederson,**

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service. [FR Doc. 95–2930 Filed 2–6–95; 8:45 am]

BILLING CODE 4910–13–U

**14 CFR Part 39**

[Docket No. 94–NM–14–AD]

**Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes**

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

**ACTION:** Supplemental notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This document revises an earlier proposed airworthiness directive (AD), applicable to certain Boeing Model 707 and 720 series airplanes, that would have superseded an existing AD to require repetitive inspections to detect cracks in certain areas of the upper forward skin panels of the wing center section, and repair, if necessary. That AD also would have provided an optional terminating modification for the repetitive inspections. That proposal was prompted by reports that the inspections required by the existing AD

are not effective in detecting fatigue cracks in a timely manner. This action revises the proposed rule by reducing certain compliance times and by revising the applicability statement of the AD. The actions specified by this proposed AD are intended to prevent fatigue cracking and subsequent failure of the upper forward skin panels of the wing center section.

**DATES:** Comments must be received by March 6, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–14–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 Boeing Commercial Airplane Group,