

## Subpart B—Reports and Public Disclosure

### § 31.4 Authority.

This subpart is issued by the Comptroller of the Currency pursuant to 12 U.S.C. 1817(k) and 12 U.S.C. 1972(2)(G)(ii), as amended.

### § 31.5 Definitions.

The definitions set forth in 12 CFR 215.21 apply to this subpart, except that "capital and surplus" has the same meaning as "capital and surplus" as defined in 12 CFR 32.2(b), and, for purposes of § 31.5(a)(1), "bank" means an insured national bank.

### § 31.6 Disclosure of insider indebtedness.

(a) Upon receipt of a written request, a national bank shall disclose the name of each of its executive officers and principal shareholders whose aggregate indebtedness (including indebtedness of related interests of such persons) from either—

(1) The insider's bank as of the latest calendar quarter, or

(2) The bank's correspondent banks at any time during the previous calendar year, equals or exceeds the lesser of 5 percent of the bank's capital and surplus or \$500,000. This requirement applies only if the insider's (and his or her related interest's) aggregate indebtedness described in paragraphs (a)(1) or (a)(2) of this section exceeds \$25,000.

(b) A national bank need not disclose additional information concerning indebtedness of its executive officers and principal shareholders. The bank may base its disclosure under paragraph (a)(1) of this section on the bank's most recent Consolidated Report of Condition and Income. The bank may base its disclosure under paragraph (a)(2) of this section on information contained in the reports referred to in § 31.6.

(c) A national bank shall maintain records of any requests for information under paragraph (a) of this section and records of the disposition of these requests for two years from the date of the request.

### § 31.7 Reports by executive officers and principal shareholders.

Pursuant to 12 U.S.C. 1972(2)(G)(i), each executive officer and principal shareholder of a national bank shall report annually to the bank's board of directors his or her indebtedness, and the indebtedness of his or her related interests, from correspondent banks of the insider's bank. For purposes of this section, the requirements stated in 12 CFR 215.22 (which implements the insider reporting requirements imposed by 12 U.S.C. 1972(2)(G)(i)) apply.

## Interpretations

### § 31.100 Loans secured by stock or obligations of an affiliate.

If a loan to an affiliate is otherwise adequately secured in compliance with 12 U.S.C. 371c(c), a national bank may take a security interest in the securities of an affiliate as additional collateral without the loan being considered a covered transaction for purposes of the limits on transactions with affiliates in 12 U.S.C. 371c(a)(1) (A) and (B).

### § 31.101 Federal funds transactions between affiliates.

The limitations contained in 12 U.S.C. 371c apply to the sale of federal funds by a national bank to an affiliate of the bank.

### § 31.102 Deposits between affiliated banks.

(a) *General rule.* The OCC considers a deposit made by a bank in an affiliated bank to be a loan or extension of credit to the affiliate under 12 U.S.C. 371c. These deposits must be secured in accordance with 12 U.S.C. 371c(c). However, a national bank may not pledge assets to secure private deposits unless otherwise permitted by law (see, e.g., 12 U.S.C. 90 (permitting collateralization of deposits of public funds); 12 U.S.C. 92a (trust funds); and 25 U.S.C. 156 and 162a (Native American funds)). Thus, unless one of the exceptions to 12 U.S.C. 371c noted in paragraph (b), of this section, applies or unless another exception applies that enables a bank to meet the collateral requirements of 12 U.S.C. 371c(c), a national bank may not:

(1) Make a deposit in an affiliated national bank;

(2) Make a deposit in an affiliated State-chartered bank unless the affiliated State-chartered bank can legally offer collateral for the deposit in conformance with applicable State law and 12 U.S.C. 371c; or

(3) Receive deposits from an affiliated bank.

(b) *Exceptions.* The restrictions of 12 U.S.C. 371c (other than 12 U.S.C. 371c(a)(4), which requires affiliate transactions to be consistent with safe and sound banking practices) do not apply to deposits:

(1) Made in the ordinary course of correspondent business; or

(2) Made in an affiliate that qualifies as a "sister bank" under 12 U.S.C. 371c(d)(1).

Dated: November 28, 1995.

Eugene A. Ludwig,

Comptroller of the Currency.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 94-NM-226-AD]

### Airworthiness Directives; Boeing Model 747 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 747 series airplanes, that would have required modification of the left and right inboard elevator servo assemblies and the hydraulic routing of the right inboard elevator power control package (PCP). That proposal was prompted by a report of an uncommanded right elevator deflection after takeoff and reports of elevator/control column bumps during landing gear retraction on these airplanes. This action revises the proposed rule by revising the applicability of the proposed AD to add additional airplanes and additional part numbers of the elevator PCP's, and by including additional service information. The actions specified by this proposed AD are intended to prevent uncommanded elevator deflection, which could result in structural damage and reduced controllability of the airplane.

**DATES:** Comments must be received by January 5, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-226-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; and Parker Hannifin Corporation, Customer Support Operations, 16666 Von Karman Avenue, Irvine, California 92714. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Kathi N. Ishimaru, Aerospace Engineer,

Systems and Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2674; 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.

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-226-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-226-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal Register on March 3, 1995 (60 FR 11942). That NPRM would have required modification of the left and right inboard elevator servo assemblies and re-routing the hydraulic tubing of the inboard elevator power control package (PCP). That NPRM was prompted by a report of an

uncommanded right elevator deflection after takeoff and reports of elevator/control column bumps during landing gear retraction on these airplanes. That condition, if not corrected, could result in structural damage and reduced controllability of the airplane.

Due consideration has been given to the comments received in response to the NPRM.

One commenter requests that paragraph (a) of the proposal be revised to cite the latest revision of Boeing Alert Service Bulletin 747-27A2348 when referring to the applicability of that paragraph. This commenter states that Revision 1 of the service bulletin includes additional airplanes that are also subject to the proposed AD. The FAA concurs. The FAA inadvertently cited the original version, dated November 17, 1994, of Boeing Alert Service Bulletin 747-27A2348 in paragraph (a) of the proposal when referring to the applicable airplanes for that paragraph. Since that revision level is incorrect, the FAA has removed it and referenced Revision 1, dated January 26, 1995, in its place in paragraph (a) of the supplemental NPRM.

One commenter states that Model 747SP series airplanes should be subject to paragraph (b) of the proposal. The FAA acknowledges that Model 747SP series airplanes were inadvertently omitted from the applicability of the proposal. The FAA's intent was that the proposed rule be applicable to all Model 747 series airplanes (i.e., Model 747-100, -200B, -200F, -200C, 747SR, 747SP, 747-100B, -300, -100B SUD, -400, -400D, and -400F series airplanes). Therefore, the FAA has revised the applicability statement of the supplemental NPRM accordingly.

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

In addition, due consideration has been given to the following additional comments, which do not change the scope of the originally proposed rule, received in response to the NPRM.

Three commenters request that the compliance time for paragraph (a) of the proposal be extended from the proposed 1 year. One of these commenters states that such an extension will allow operators to accomplish the modification during a regularly scheduled heavy maintenance visit. The FAA does not concur. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition,

but the availability of required parts and the practical aspects of installing the required modification within an interval of time that parallels normal scheduled maintenance for the majority of affected operators. The manufacturer has advised that an ample number of required parts should be available for modification of the U.S. fleet within the proposed compliance period. Further, the FAA has determined that a heavy maintenance visit is not required to accomplish the modification.

Several commenters state that paragraph (b) of the proposed rule is unjustified because there have been no reports of actuator jamming on the classic Model 747 (747-100, -100B SUD, -200, -300, SR, SP) series airplanes after accumulating 87 million flight hours. One of these commenters states that the safety concern surrounding the configuration of the servo valve assembly of the inboard elevator PCP is theoretical at best.

The FAA does not concur with the commenters' suggestion that paragraph (b) of the proposed rule is unjustified. The FAA finds that the lack of reported jams and subsequent uncommanded elevator motion may be attributed, in part, to the small percentage of airplanes that recorded the elevator position while accumulating the 87 million flight hours. Paragraph (c)(10) of section 121.343, "Flight recorders", of the Federal Aviation Regulations (FAR) (14 CFR 121.343) requires that operators record either the control column or pitch control surface position (i.e., the position of the elevator and the stabilizer) of the airplane. Operators may comply with section 121.343 by electing to record the control column position, which is not a positive indicator of the elevator position. Consequently, incidents of uncommanded elevator motion due to actuator jamming may have occurred, but were not reported due to the flightcrew's inability to confirm the anomaly. Furthermore, the FAA finds that uncommanded elevator motion may occur on all Boeing Model 747 series airplanes if the servo valve secondary slide moves to the valve's internal stop. Therefore, the FAA finds that this AD action is warranted since an unsafe condition exists, which is identified as reduced controllability or structural damage to the airplane due to asymmetric elevator.

One commenter states that only Model 747-400 series airplanes have experienced actuator jamming with uncommanded elevator deflection. The commenter also states that the uncommanded elevator deflection problem has been directly attributed to

the fact that Model 747-400 series airplanes have the hydraulic system number 4 connected to the pressure sensitive side of the servo valve of the right inboard elevator PCP. The commenter contends that rerouting the hydraulic tubing, as required by paragraph (a) of the proposal (which references Boeing Alert Service Bulletin 747-27A2348, Revision 1, dated January 26, 1995, as the appropriate source of service information) will alleviate this problem. The commenter notes that Model 747-100, -200, -300, and SP series airplanes, which do not have the hydraulic system number 4 connected to the pressure sensitive side of the servo valve of the right inboard elevator PCP, have not experienced the uncommanded elevator deflection problem.

From this comment, the FAA infers that the commenter is requesting that paragraph (b) of the proposal be deleted. The FAA does not concur. The FAA has reviewed the pressure survey data for the number 3 and number 4 systems that was submitted by another commenter. The FAA finds that pressure fluctuations, which contribute to uncommanded elevator deflection, occur in hydraulic system number 3, as well as hydraulic system number 4. Therefore, the FAA finds that these data do not substantiate the commenter's suggestion that routing the hydraulic system number 3 to the sensitive side of the servo valve would preclude uncommanded elevator deflection.

One commenter states that paragraph (b) of the proposal, which is applicable to certain Model 747-100, -200, -300, and -400 series airplanes, references Parker Service Bulletin 327400-27-171 as the appropriate source of service information. The commenter further states that this service bulletin is not applicable to certain Model 747-100, -100B SUD, -200, -300, SR, and SP series airplanes, since the elevator power control packages specified in Parker Service Bulletin 327400-27-171 are not installed on these airplanes. The FAA's intent was to reference a service bulletin that addressed a modification for all affected airplane models. The FAA has reviewed and approved Parker Service Bulletin 93600-27-173, dated May 17, 1995. The modification procedures described in this service bulletin are identical to those described in Parker Service Bulletin 327400-27-171. The effectivity listing of Parker Service Bulletin 93600-27-173 contains elevator PCP's having part numbers (P/N) 93600-5005 through -5051 inclusive, which are installed on certain Model 747-100, -100B SUD, -200, -300, SR, and SP series airplanes. The

FAA has revised the applicability statement of the supplemental NPRM to include these additional P/N's. Additionally, the FAA has revised paragraph (b) of the supplemental NPRM to include this service bulletin as an additional source of service information.

One commenter requests that applicability of paragraph (b) of the proposal be limited to Model 747-100, -100B SUD, -200, -300, SR, and SP series airplanes ("classic") having cumulative line (C/L) 696 and subsequent and that the compliance time be extended from 3 years to 5 years for those airplanes. The commenter contends that the aft fuselage limit load can be exceeded if the residual pressure at the actuator pistons exceeds 800 pounds per square inch (psi)/cylinder. The commenter further contends that the probability of exceeding this is less than  $1 \times 10^{-5}$ . This pressure assumes the valve jammed at the most adverse position achievable from pilot inputs. The commenter states that the aft fuselage limit load can be exceeded for classic airplanes having C/L 001 through 695 inclusive, if the residual pressure at the actuator pistons exceeds 1,700 psi/cylinder. The commenter also states that the probability of exceeding the structural limit is less than  $1 \times 10^{-9}$ .

The FAA does not concur with the commenter's request to limit the applicability and extend the compliance time of paragraph (b) of the proposal. Following a review of the commenter's probability analysis, the FAA has determined that the commenter has based its analysis on a sampling that was much too small from which accurate statistical conclusions that would be representative of the fleet could be drawn. Further, the FAA finds that the flow rate and differential pressures used by this commenter were not substantiated to be the worst case scenario. Therefore, based on this flawed probability analysis, no change to the supplemental NPRM is warranted.

One commenter requests that Boeing Model 747-400 series airplanes be removed from the applicability of paragraph (b) of the proposal. The commenter states that if the valve jams, the resultant asymmetric elevator will not result in structural damage on these airplanes. The FAA does not concur. The FAA has determined that, although the asymmetric elevator may not damage Model 747-400 series airplanes, an unsafe condition (i.e., reduced controllability) still exists.

Two commenters request that the compliance time for paragraph (b) of the

proposal be extended from the proposed 3 years to 5 years. One commenter states that it does not have enough seed units to accomplish the modification at their own facilities within the proposed compliance time. The FAA does not concur. As stated above, the FAA considered the availability of required parts and the practical aspects of installing the required modification. In addition, the FAA finds that other maintenance facilities are available to operators that are unable to accomplish the modification at their own facilities. However, under paragraph (c) of the proposed rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

One commenter questions the FAA's estimate of the cost of required replacement parts for classic Model 747 series airplanes. The commenter states that the \$3,720 per airplane figure, presented in the cost impact information in the preamble to the notice, is too low. This commenter suggests that parts costs will be approximately \$7,440 per airplane (2 elevator power control packages at \$3,720 each). After considering the data presented by the commenter, the FAA concurs that the cost of required parts per airplane is higher than previously estimated; the economic impact information, below, has been revised to indicate this higher amount.

There are approximately 672 Model 747-100, -100B SUD, -200, -300, SR, and SP series airplanes, and 357 Model 747-400 series airplanes of the affected design in the worldwide fleet, a total of 1,029 airplanes.

The FAA estimates that 114 Model 747-100, -100B SUD, -200, -300, SR, and SP series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 73 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$7,440 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$1,347,480, or \$11,820 per airplane.

The FAA estimates that 65 Model 747-400 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 111 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$12,269 per airplane. Based on these figures, the cost impact

of the proposed AD on U.S. operators is estimated to be \$1,230,385, or \$18,929 per airplane.

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 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 USC 106(g), 40101, 40113, 44701.

#### **§ 39.13 [Amended]**

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

Boeing: Docket 94-NM-226-AD.

*Applicability:* Model 747 series airplanes, equipped with Parker inboard elevator power control packages (PCP) having part numbers

(P/N) 93600-5005 through -5051 inclusive, or P/N's 327400-1001, -1003, -1005, and -1007; 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) of this AD 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 uncommanded elevator deflection, which could result in structural damage and reduced controllability of the airplane, accomplish the following:

(a) For Model 747-400 series airplanes, as listed in Boeing Alert Service Bulletin 747-27A2348, Revision 1, dated January 26, 1995: Within 1 year after the effective date of this AD, modify the hydraulic tubing of the right inboard elevator PCP, in accordance with Boeing Alert Service Bulletin 747-27A2348, Revision 1, dated January 26, 1995.

(b) For all airplanes: Within 3 years after the effective date of this AD, modify the left and right servo assemblies of the inboard elevator PCP, in accordance with Parker Service Bulletin 327400-27-171, Revision 1, dated April 14, 1995, or Parker Service Bulletin 93600-27-173, dated May 17, 1995, as applicable.

(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, 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.

(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.

Issued in Renton, Washington, on December 5, 1995.

Darrell M. Pederson,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-30074 Filed 12-8-95; 8:45 am]

**BILLING CODE 4910-13-U**

### **14 CFR Part 39**

[Docket No. 95-NM-99-AD]

### **Airworthiness Directives; Fokker Model F28 Mark 0100 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 Fokker Model F28 Mark 0100 series airplanes. This proposal would require inspections to verify the correct operation of the main landing gear (MLG) downlock actuators, and replacement of any discrepant unit with a serviceable unit. The proposed AD also would require eventual replacement of the MLG downlock actuators with improved units. This proposal is prompted by reports of improper operation of the MLG downlock actuator due to jamming. The actions specified by the proposed AD are intended to prevent such jamming of the downlock actuator, which could result in failure of the MLG downlock system, and a potential gear-up landing.

**DATES:** Comments must be received by January 22, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-99-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 Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314, and Dowty Aerospace, Customer Support Center, P.O. Box 49, Sterling, VA 20166. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Tim Dulin, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2141; fax (206) 227-1320.

#### **SUPPLEMENTARY INFORMATION:**

Comments Invited

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