

Regulatory Flexibility Act

The Board hereby certifies that the final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). No new or increased reporting, recordkeeping, or other compliance requirements are imposed by the rule. Of the amendments adopted by the Board, only one—lengthening the time for filing requests for review of assessment risk classifications—addresses actions to be initiated by insured institutions. The remaining amendments address actions to be undertaken by the FDIC. The amendments addressing actions to be initiated by institutions relax an existing time restriction, and it is expected that any impact on insured institutions, of whatever size, will be favorable rather than adverse.

Assessment of Impact of Federal Regulation on Families

The FDIC has determined that this amendment will not affect family well-being within the meaning of section 654 of the Treasury Department Appropriations Act, 1999, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Pub. L. 105-277, 112 Stat. 2681).

List of Subjects in 12 CFR Part 327

Assessments, Bank deposit insurance, Banks, banking, Reporting and recordkeeping requirements, Savings associations.

For the reasons stated in the preamble, 12 CFR part 327 is amended as follows:

PART 327—ASSESSMENTS

1. The authority citation for part 327 continues to read as follows:

Authority: 12 U.S.C. 1441, 1441b, 1813, 1815, 1817-1819; Pub. L. 104-208, 110 Stat. 3009-479 (12 U.S.C. 1812).

§ 327.3 [Amended]

2. Section 327.3 is amended by removing the phrase “30 days” and adding in its place the phrase “15 days” in paragraphs (c)(1) and (d)(1), respectively.

3. Section 327.4 is amended by removing the citation “309.5(c)(8)” in paragraph (e) and adding in its place the citation “309.5(g)(8)”, and revising paragraphs (a)(1) introductory text and (d) to read as follows:

§ 327.4 Annual assessment rate.

(a) * * *

(1) *Capital factors.* Institutions will be assigned to one of the following three

capital groups on the basis of data reported in the institution's Consolidated Reports of Condition and Income, Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks, or Thrift Financial Report dated as of March 31 for the assessment period beginning the following July and as of September 30 for the assessment period beginning the following January 1.

* * * * *

(d) *Requests for review.* An institution may submit a written request for review of its assessment risk classification. Any such request must be submitted within 90 days of the date of the assessment risk classification notice provided by the Corporation pursuant to paragraph (a) of this section. The request shall be submitted to the Corporation's Director of the Division of Insurance in Washington, D.C., and shall include documentation sufficient to support the reclassification sought by the institution. If additional information is requested by the Corporation, such information shall be provided by the institution within 21 days of the date of the request for additional information. Any institution submitting a timely request for review will receive written notice from the Corporation regarding the outcome of its request. Upon completion of a review, the Director of the Division of Insurance (or designee) or the Director of the Division of Supervision (or designee), as appropriate, shall promptly notify the institution in writing of his or her determination of whether reclassification is warranted. Notice of the procedures applicable to reviews will be included with the assessment risk classification notice to be provided pursuant to paragraph (a) of this section.

§ 327.9 [Amended]

4. Section 327.9 is amended by removing the phrase “15 days” and adding in its place the phrase “30 days” in paragraph (c)(4).

By order of the Board of Directors.

Dated at Washington, DC, this 6th day of December, 1999.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 99-32587 Filed 12-15-99; 8:45 am]

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

[Docket No. 99-NM-328-AD; Amendment 39-11473; AD 99-23-22 R1]

RIN 2120-AA64

Airworthiness Directives; Various Transport Category Airplanes Equipped With Mode “C” Transponder(s) With Single Gillham Code Altitude Input

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to various transport category airplanes equipped with certain Mode “C” transponder(s) with single Gillham code altitude input. That AD currently requires repetitive tests to detect discrepancies of the Mode “C” transponder(s), air data computer, and certain wiring connections; and corrective actions, if necessary. The existing AD is prompted by reports that, during level flight, the Traffic Alert Collision Avoidance System (TCAS II) issued false advisories that directed the flightcrew to change course and either climb or descend. The actions specified by that AD are intended to prevent such false advisories due to inaccurate airplane altitude reporting, which could result in the flightcrew deviating the airplane from its assigned flight path and a possible mid-air collision. This new action revises certain compliance times and limits the applicability of the existing AD.

DATES: Effective November 29, 1999.

Comments for inclusion in the Rules Docket must be received on or before February 14, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-328-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Information pertaining to this amendment may be obtained from or examined at the FAA, Transport Airplane Directorate, 1601 Lind Ave, SW., Renton, Washington 98055-4056.

FOR FURTHER INFORMATION CONTACT: Peter Skaves, Aerospace Engineer, Airplane and Flight Crew Interface Branch, ANM-111, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington

98055-4056; telephone (425) 227-2795; fax (425) 227-1320.

SUPPLEMENTARY INFORMATION: On November 4, 1999, the FAA issued AD 99-23-22, amendment 39-11418 (64 FR 61493, November 12, 1999), applicable to various transport category airplanes equipped with certain Mode "C" transponder(s) with single Gillham code altitude input. That AD requires repetitive tests to detect discrepancies of the Mode "C" transponder(s), air data computer, and certain wiring connections; and corrective actions, if necessary. That action was prompted by reports that, during level flight, the Traffic Alert Collision Avoidance System (TCAS II) issued false advisories that directed the flightcrew to change course and either climb or descend. The actions required by that AD are intended to prevent such false advisories due to inaccurate airplane altitude reporting, which could result in the flightcrew deviating the airplane from its assigned flight path and a possible mid-air collision.

Actions Since Issuance of Previous Rule

Since the issuance of AD 99-23-22, the FAA has determined that the existing AD should be revised as follows:

1. The applicability section of the existing AD has been revised to identify only airplane models used in the same type of operations as those involved in the reported incidents of reduced airplane separation. Specifically, the applicable airplane models have been limited to only those transport category airplanes that can be operated for extended periods in level flight cruise at altitudes greater than 24,000 feet and that are equipped with Mode "C" transponder(s) with single Gillham code altitude input. As the FAA has not yet determined the precise cause of the erroneous Mode "C" altitude reporting, investigations into the cause of the unsafe condition are continuing. The FAA has determined that the applicability of the existing AD should be limited to airplanes with more exposure to the potential risks of incorrect altitude reporting. Based on the review of the data received from these airplane inspections, the FAA may consider future rulemaking to expand the applicability of this AD.

2. A note has been added to the existing AD to clarify that the requirements of that AD DO NOT supersede the current airplane Master Minimum Equipment List (MMEL) requirements for deferral of repair of malfunctioning systems. The existing AD states that any malfunctioning Mode "C" altitude reporting system is to be

repaired prior to further flight. Note 3 of this revised AD explains that Mode "C" transponder altitude reporting systems that have been determined to be malfunctioning must be turned off and placarded as inoperative, as specified in the MMEL. The airplane may then be operated in accordance with the MMEL.

3. The compliance time for accomplishment of the initial and repetitive tests required by paragraph (a) of the existing AD has been extended from 45 days to 90 days after the effective date of the existing AD. Test results received to date indicate that a substantial number of airplanes have already been tested without failures. Based on these test results and on the increased awareness of operators using Mode "C" altitude reporting, the FAA has determined that the risk of exposure to incorrect altitude reporting has been sufficiently reduced to allow extension of the compliance time for accomplishment of the initial and repetitive testing. Extended test intervals also will provide additional time for operators required to schedule and execute the tests. In addition, the reporting requirement specified in paragraph (c) of the existing AD has been extended from 10 days to 20 days after accomplishment of the initial and repetitive tests required by paragraph (a) of the existing AD.

4. The alternative method of compliance paragraph of the existing AD has been revised to identify the Manager, Airplane and Flight Crew Interface Branch, Transport Airplane Directorate, as the point of contact in lieu of the Manager, Seattle Aircraft Certification Office.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, this AD revises AD 99-23-22 to continue to require repetitive tests to detect discrepancies of the Mode "C" transponder(s), air data computer, and certain wiring connections; and corrective actions, if necessary. This action revises certain compliance times and limits the applicability of the existing AD. This AD also includes a note which describes provisions for continued operation of the airplane in accordance with the provisions and limitations specified in the operator's FAA-approved Master Minimum Equipment List (MMEL).

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an 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 99-NM-328-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation

that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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, 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 removing amendment 39-11418 (64 FR 61493, November 12, 1999), and by adding a new airworthiness directive (AD), amendment 39-11473, to read as follows:

099-23-22 R1 Transport Category

Airplanes: Amendment 39-11473.
Docket 99-NM-328-AD. Revises AD 99-23-22, Amendment 39-11418.

Applicability: Transport category airplanes, as listed below, certificated in any category, equipped with any Mode "C" transponder with single Gillham code altitude input, including, but not limited to, the transponder part numbers listed below. Whether a Mode "C" transponder has a single Gillham code altitude input may be determined by reviewing the transponder installation instructions.

Airplane Models

Airbus Industrie
A300
A310
British Aerospace
BAe Avro 146-RJ
BAe ATP
Fokker
F28 Mark 0070
F28 Mark 0100
F28 Mark 1000-4000
Lockheed

L-1011 TriStar
L-188 Electra
CASA
CN-235
Dassault Aviation
Mystere Falcon 50
Mystere Falcon 900
Mystere Falcon 200
Fan Jet Falcon Series G
Boeing (MDC)
DC-10-30
DC-10-40
DC-9
DC-9-81
DC-9-82
DC-9-83
DC-9-87
Boeing 707
Boeing 727
Boeing 737
Boeing 747
Bombardier
CL-215-1A10
CL-215-6B11
CL-600-1A11
CL-600-2A12
CL-600-2B16
Gulfstream
G1159 (G-II)
G-1159A (G-III)
G-IV

Mode "C" Transponder Part Numbers:

Rockwell Collins
622-2224-001
622-2224-003
522-2703-001
522-2703-011
787-6211-001
787-6211-002
Bendix
066-1056-00
066-1056-01
066-1123-00
2041599-6508
Wilcox
97637-201
97637-301
IFF
APX-100
APX-101

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 (d) 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 false Traffic Alert Collision Avoidance System (TCAS II) advisories due to inaccurate airplane altitude reporting, which could result in the flightcrew deviating the airplane from its assigned flight path and a possible mid-air collision, accomplish the following:

Repetitive Tests

(a) Within 90 days after November 29, 1999 (the effective date of AD 99-23-22, amendment 39-11418): Perform the test procedures specified in paragraphs (a)(1) through (a)(9) of this AD to detect any discrepancies of the Mode "C" transponder(s), air data computer (ADC), or Gillham wiring connections, in accordance with the applicable ADC and Mode "C" transponder component maintenance manuals and airplane maintenance manual. Repeat the test procedures thereafter at intervals not to exceed 90 days.

(1) Connect an air data test set to the Captain's (No. 1) Pitot/Static system.

(2) In the airplane flight deck, select Mode "C" transponder (1), or left Mode "C" transponder, depending on airplane flight deck configuration, and select ADC source (1).

(3) Select the air data test set to the following altitude reporting values:

1,000 feet;
4,100 feet;
15,700 feet; and
31,000 feet.

(4) For each selected altitude, verify that the Mode "C" altitude reporting is within tolerance (+/- 125 feet), and record the altitude output as follows:

1,000 feet (+/- 125 feet);
4,100 feet (+/- 125 feet);
15,700 (+/- 125 feet); and
31,000 feet (+/- 125 feet).

(5) In the airplane flight deck, select ADC source (2) and repeat paragraphs (a)(3) and (a)(4) of this AD.

(6) In the airplane flight deck, select Mode "C" transponder (2), or the right Mode "C" transponder, depending on airplane flight deck configuration, select ADC source (1), and repeat paragraphs (a)(3) and (a)(4) of this AD.

(7) In the airplane flight deck, select ADC source (2) and repeat paragraphs (a)(3) and (a)(4) of this AD.

(8) Connect an air data test set to the Captain's (No. 2) Pitot/Static system.

(9) Repeat paragraphs (a)(2) through (a)(7) of this AD.

Note 2: The tests required by paragraph (a) of this AD examine the three primary sources of inaccurate airplane altitude reporting. These three sources are: ADC's, Mode "C" transponders, and the Gillham wiring connections between the ADC and Mode "C" transponder.

Corrective Actions

(b) Except as permitted by the Master Minimum Equipment List (MMEL): If any discrepancy is detected during any test required by paragraph (a) of this AD: Prior to further flight, repair in accordance with the applicable ADC and Mode "C" transponder component maintenance manual and airplane maintenance manual. If the repair information is not available in the applicable manual, except as permitted by the MMEL, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note 3: The airplane may be operated in accordance with the provisions and

limitations specified in the FAA-approved MMEL, provided that only one Mode "C" transponder on the airplane is inoperative.

Reporting Requirement

(c) Within 20 days after accomplishing the initial and repetitive tests required by paragraph (a) of this AD, submit a report of the inspection and test results (both positive and negative findings) to: Peter Skaves, Aerospace Engineer, Airplane and Flight Crew Interface Branch, ANM-111, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; fax (425) 227-1320. The test results must include the Mode "C" transponder(s) and ADC part number(s), and must specify if any discrepancies of the Gillham wiring connections were detected, and if corrective action was required. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

Alternative Methods of Compliance

(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, Airplane and Flight Crew Interface Branch, ANM-111, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance or Avionics Inspector, who may add comments and then send it to the Manager, ANM-111.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, ANM-111.

Special Flight Permits

(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.

(f) The effective date of this amendment remains November 29, 1999.

Issued in Renton, Washington, on December 10, 1999.

D.L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-32584 Filed 12-15-99; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 95-054]

RIN 2115-AF17

Regattas and Marine Parades

AGENCY: Coast Guard, DOT.

ACTION: Interim rule; delay of effective date.

SUMMARY: The Coast Guard is delaying indefinitely the effective date of the interim rule on regatta and marine parades published in the **Federal Register** on June 26, 1996. The interim rule more precisely identifies those marine events that require a permit, those that require only written notice to the Coast Guard, and those that require neither. Delay of the effective date is necessary to allow additional time to complete the consultation with the Fish & Wildlife Service and National Marine Fisheries and the environmental documentation.

DATES: The interim rule published on June 26, 1996, (61 FR 33027) and delayed by documents published on November 26, 1996, (61 FR 60027); December 29, 1997, (62 FR 67570); and December 30, 1998, (63 FR 71753) is delayed indefinitely.

FOR FURTHER INFORMATION CONTACT: For questions on this action, contact Carlton Perry, Project Manager, Office of Boating Safety, Program Management Division, by telephone at 202-267-0979 or by e-mail at cperry@comdt.uscg.mil.

You may obtain a copy of the interim rule and subsequent notices by calling the U.S. Coast Guard Infoline, 1-800-368-5647; by e-mail at uscginfoline@tiscom.uscg.mil; or by Internet at the Web Site for the Office of Boating Safety, <http://www.uscgboating.org>.

SUPPLEMENTARY INFORMATION: On June 26, 1996, the Coast Guard published an interim rule and notice of availability of environmental assessment (CGD 95-054) entitled "Regattas and Marine Parades" in the **Federal Register** (61 FR 33027). The interim rule revised the Coast Guard's marine event regulations to eliminate unnecessary requirements while continuing to protect the safety of life. The rule more precisely identified those events that require a permit, those that require only written notice to the Coast Guard, and those that require neither. The environmental assessment and proposed finding of no significant impact that support this rulemaking were made available to the public.

Approximately 85 comments were received in response to the interim rule and notice of availability of the environmental assessment and to the Coast Guard's previous requests for comments. Many of these comments raised concerns regarding the reporting requirements placed on the marine event sponsors and the potential environmental effects associated with changing the current regulations on

regatta and marine parade permitting procedures. In addition, several comments received in response to a draft environmental impact statement (EIS) entitled "U.S. Coast Guard Atlantic Protected Living Marine Resources Initiative" reiterated concerns raised by the comments on the interim rule. Based on these comments and on the concerns raised during the ongoing consultation with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), the Coast Guard delayed the effective date of the interim rule. Because the Coast Guard has not yet completed its consultation with the FWS and NMFS or the required environmental documentation, the Coast Guard is delaying the effective date.

Accordingly, in FR Document 96-16319 published in the **Federal Register** on June 26, 1996, at 61 FR 33027, and as amended by notices of delay of effective date published on November 26, 1996, at 61 FR 60027; December 29, 1997, at 62 FR 67570; and December 30, 1998, at 63 FR 71753, the effective date for the referenced interim rule is delayed indefinitely.

Dated: December 7, 1999.

Ernest R. Riutta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

[FR Doc. 99-32387 Filed 12-15-99; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300950; FRL-6391-8]

RIN 2070-AB78

Metsulfuron methyl; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for the combined residues of metsulfuron methyl and its 4-hydroxy metabolite (methyl 2-[[[4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]-4-hydroxybenzoate) in or on sorghum grain, sorghum forage, and sorghum fodder. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing the use of the pesticide on sorghum. This