

weight. In addition, real estate loans that do not meet all of the specified criteria or that are made for the purpose of property development are placed in the 100 percent risk category.

**Department of the Treasury**  
**Office of Thrift Supervision**  
**12 CFR Chapter V**

■ For reasons set forth in the common preamble, the Office of Thrift Supervision amends part 567 of Chapter V of title 12 of the Code of Federal Regulations as follows:

**PART 567—CAPITAL**

■ 9. The authority citation for part 567 continues to read as follows:

**Authority:** 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1828 (note).

■ 10. Section 576.1 is amended by adding paragraph (4) to the definition *Qualifying mortgage loan* to read as follows:

**§ 576.1 Definitions.**

\* \* \* \* \*

*Qualifying mortgage loan.*

\* \* \* \* \*

(4) A loan that meets the requirements of this section prior to modification under the U.S. Department of Treasury's Making Home Affordable Program may be included as a *qualifying mortgage loan*, so long as the loan is not 90 days or more past due.

\* \* \* \* \*

Dated: June 15, 2009.

**John C. Dugan,**  
*Comptroller of Currency.*

By order of the Board of Governors of the Federal Reserve System, June 24, 2009.

**Jennifer J. Johnson,**  
*Secretary of the Board.*

Dated at Washington DC, this 23rd day of June 2009.

Federal Deposit Insurance Corporation.

**Valerie J. Best,**  
*Assistant Executive Secretary.*

Dated: June 17, 2009.

By the Office of the Thrift Supervision.

**John E. Bowman,**  
*Acting Director.*

[FR Doc. E9-15507 Filed 6-29-09; 8:45 am]

**BILLING CODE 6210-02-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2009-0544; Directorate Identifier 2009-NE-17-AD; Amendment 39-15952; AD 2009-12-51]

RIN 2120-AA64

**Airworthiness Directives; Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, and 1S1 Turboshaft Engines**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

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

**SUMMARY:** This document publishes in the **Federal Register** an amendment adopting emergency airworthiness directive (AD) 2009-12-51 that was sent previously to all known U.S. owners and operators of Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, and 1S1 turboshaft engines. This AD requires initial and repetitive visual inspections of certain reduction gearboxes (module M05) for oil leakage, repair if leaking, and repair of all affected modules as terminating action to the repetitive inspections. This AD results from reports of oil leaks from certain reduction gearbox (module M05) front casings. The engine manufacturer reported that the lubrication duct plug was not properly bonded/glued in place. We are issuing this AD to prevent uncommanded in-flight engine shutdown, possible engine fire, and an emergency autorotation landing.

**DATES:** This AD becomes effective July 15, 2009 to all persons except those persons to whom it was made immediately effective by emergency AD 2009-12-51, issued on June 4, 2009, which contained the requirements of this amendment. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of July 15, 2009.

We must receive any comments on this AD by August 31, 2009.

**ADDRESSES:** Use one of the following addresses to comment on this AD.

• **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

• **Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

• **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• **Fax:** (202) 493-2251.

Contact Turbomeca, 40220 Tarnos, France; telephone (33) 05 59 74 40 00, fax (33) 05 59 74 45 15 for the service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:**

James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; *e-mail:* [james.lawrence@faa.gov](mailto:james.lawrence@faa.gov); telephone (781) 238-7176; fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** On June 4, 2009, the FAA issued emergency AD 2009-12-51, that applies to Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, and 1S1 turboshaft engines. That AD requires initial and repetitive visual inspections of certain reduction gearboxes (module M05) for oil leakage, repair if leaking, and repair of all affected modules as terminating action to the repetitive inspections. This condition, if not corrected, could result in uncommanded in-flight engine shutdown, possible engine fire, and an emergency autorotation landing.

**Relevant Service Information**

We have reviewed and approved the technical contents of Turbomeca S.A. Mandatory Service Bulletin (MSB) No. A292 72 0825, Version A, dated May 27, 2009, that describes procedures for visual inspections of affected reduction gearboxes (module M05) for oil leakage, repair if leaking, and repair of all affected modules as terminating action to the repetitive inspections.

**FAA's Determination and Requirements of This AD**

Since the unsafe condition described is likely to exist or develop on other engines of the same type design, we issued emergency AD 2009-12-51 to prevent uncommanded in-flight engine shutdown, possible engine fire, and an emergency autorotation landing. This AD requires initial and repetitive visual inspections of certain reduction gearboxes (module M05) for oil leakage, repair if leaking, and repair of all affected modules as terminating action to the repetitive inspections. You must use the service information described previously to perform the actions required by this AD.

**FAA's Determination of the Effective Date**

Since an unsafe condition exists that requires the immediate adoption of this

AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause existed to make the AD effective immediately on June 4, 2009, to all known U.S. owners and operators of Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, and 1S1 turboshaft engines. These conditions still exist, and we are publishing the AD in the **Federal Register** as an amendment to Section 39.13 of part 39 of the Code Federal Regulations (14 CFR part 39) to make it effective to all persons.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. FAA-2009-0544; Directorate Identifier 2009-NE-17-AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD 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.

For the reasons discussed above, I certify that this AD:

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. 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.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

■ Under 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. The FAA amends § 39.13 by adding the following new airworthiness directive:

**2009-12-51 Turbomeca S.A.:** Amendment 39-15952. Docket No. FAA-2009-0544; Directorate Identifier 2009-NE-17-AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective July 15, 2009, to all persons except those persons to whom it was made immediately effective by emergency AD 2009-12-51, issued June 4, 2009, which contained the requirements of this amendment.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, and 1S1 turboshaft engines if modified by Turbomeca Modification TU332 and fitted with modules M05 as listed by serial number in Figure 1 of Turbomeca S.A. Mandatory Service Bulletin (MSB) No. A292 72 0825, Version A, dated May 27, 2009. These engines are installed on, but not limited to, Eurocopter France AS350B, AS350BA, AS365N, AS350B1, AS350B2, Eurocopter Deutschland GmbH MBB-BK117-C1, Agusta A109K2, and Sikorsky S-76A+, S-76A++ and S-76C helicopters.

#### Unsafe Condition

(d) This AD results from reports of oil leaks from certain reduction gearbox (module M05) front casings. The engine manufacturer reported that the lubrication duct plug was not properly bonded/glued in place. This condition, if not corrected, could result in loss of the lubrication duct plug, followed by a rapid draining of the oil tank, without indication to the cockpit through low oil pressure warning. This condition can lead to uncommanded in-flight engine shutdown, possible engine fire, and an emergency autorotation landing.

#### Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

#### Initial Visual Inspection Before Further Flight

(f) Before further flight:

(1) Visually inspect the module M05 lubrication duct for oil leakage. Use paragraph 1.C.(1)(a), paragraph 2.A., and Figure 2 of Turbomeca S.A. MSB No. A292 72 0825, Version A, dated May 27, 2009, to do the inspection.

(2) If oil leakage is found, repair the module M05 lubrication duct. Use paragraph

2.B.1, Figure 3, and Figure 4 in Turbomeca S.A. MSB No. A292 72 0825, Version A, dated May 27, 2009, to do the repair.

#### Repetitive Visual Inspections

(g) If no oil leakage is found, repeat the visual inspection every four flight hours, or after the last flight of each day, whichever comes first.

(h) The actions required by paragraph (g) of this AD may be performed by the owner/operator holding at least a private pilot certificate, and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9 and 14 CFR 91.417(a)(2)(v).

#### Optional Terminating Action

(i) As optional terminating action to the repetitive visual inspections in paragraph (g) of this AD, repair the affected modules M05 as specified in paragraph (f)(2) of this AD.

#### Alternative Methods of Compliance

(j) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

#### Related Information

(k) European Aviation Safety Agency emergency airworthiness directive 2009-0117-E, dated June 2, 2009, also addresses the subject of this AD.

#### Contact Information

(l) For further information, contact: James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: [james.lawrence@faa.gov](mailto:james.lawrence@faa.gov); telephone (781) 238-7176; fax (781) 238-7199, for more information about this AD.

#### Material Incorporated by Reference

(m) You must use Turbomeca S.A. MSB No. A292 72 0825, Version A, dated May 27, 2009, to identify the serial numbers of modules M05 affected by this AD, and to perform the inspections and repairs required by this AD. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You can get a copy from Turbomeca, 40220 Tarnos, France; telephone (33) 05 59 74 40 00, fax (33) 05 59 74 45 15. You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Burlington, Massachusetts, on June 22, 2009.

**Peter A. White,**

*Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. E9-15277 Filed 6-29-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0556; Directorate Identifier 2009-NM-112-AD; Amendment 39-15942; AD 2009-13-03]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 747-400 and -400F Series Airplanes Powered by Rolls-Royce RB211 Series Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

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

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain Boeing Model 747-400 and -400F series airplanes. This AD requires modifying certain thrust reverser control system wiring to the flap control unit (FCU). This AD results from a report of automatic retraction of the leading edge flaps during takeoff due to indications transmitted to the FCU from the thrust reverser control system. We are issuing this AD to prevent automatic retraction of the leading edge flaps during takeoff, which could result in reduced climb performance and consequent collision with terrain and obstacles or forced landing of the airplane.

**DATES:** This AD is effective July 6, 2009.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of July 6, 2009.

We must receive comments on this AD by August 31, 2009.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1,

fax 206-766-5680; e-mail [me.boecom@boeing.com](mailto:me.boecom@boeing.com); Internet <https://www.myboeingfleet.com>.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Douglas Bryant, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6505; fax (425) 917-6590.

#### SUPPLEMENTARY INFORMATION:

#### Discussion

We received a report of automatic retraction of the leading edge flaps during takeoff on a Boeing Model 747-400 airplane powered by Rolls-Royce RB211-524G/H engines. The automatic retraction was due to indications transmitted to the flap control unit (FCU) from the thrust reverser control system. In order to prevent impingement of efflux air from the thrust reversers during landing rollout, the FCU is designed to automatically retract the Group A leading edge flaps when a REV Amber signal is received from either both inboard or both outboard thrust reversers, and the airplane is on the ground. In this event, the first REV amber signal was received prior to V1 (takeoff decision speed). The second REV amber signal was received several seconds later, after takeoff decision speed. At that time, the FCU performed as designed and retracted the Group A leading edge flaps. At rotation the flight crew reported buffeting and stick shaker activation. After liftoff, a signal from the air/ground logic system caused the FCU to send a command to the Group A leading edge flaps to re-deploy after a five-second time delay. Re-deployment of the flaps takes approximately ten to fifteen additional seconds; during re-deployment, the flightcrew again reported buffeting and momentary stick shaker activation. The airplane jettisoned fuel and was landed safely; all four of the thrust reversers deployed and stowed normally after landing.

In addition, one operator reported 12 single-engine REV indications during