

inasmuch as the requirement found in 5 U.S.C. 553(d) that substantive rules be published not less than 30 days prior to their effective date is inapplicable.

#### Regulatory Flexibility Act

Under section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 605(b)), the final regulatory flexibility analysis otherwise required under section 604 of the RFA (5 U.S.C. 604) is not required if the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities and the agency publishes such certification in the **Federal Register** along with this general notice of proposed rulemaking or at the time of publication of the final rule.

The Board of Directors has concluded after reviewing the final regulation that it will not have a significant economic impact on a substantial number of small institutions since the only change, if any, may be the location in which the institution will make filings and from which the institution will be supervised by the FDIC. The Board of Directors therefore hereby certifies pursuant to section 605 of the RFA that the regulation will not have a significant economic impact on a substantial number of small entities within the meaning of the RFA.

#### Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Public Law 104-121) provides generally for agencies to report rules to Congress and for Congress to review rules. This final rule is not a rule for purposes of SBREFA because it is a rule of agency organization pursuant to SBREFA, 5 U.S.C. 804(3)(c).

#### Paperwork Reduction Act

As these amendments neither alter existing nor create new record keeping or reporting requirements, the Paperwork Reduction Act is inapplicable.

#### Cost Benefit Analysis

This final rule is generally not expected to result in material increases in costs and burden to respondents. Some filers, however, will be required to file materials in a different location.

#### List of Subjects in 12 CFR Part 303

Administrative practice and procedure, Authority delegations (Government agencies), Bank deposit insurance, Banks, Banking, Reporting and recordkeeping requirements, Savings associations.

For the reasons set forth in the preamble, 12 CFR part 303 is amended as set forth below:

#### PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES REQUIRED TO BE FILED BY STATUTE OR REGULATION

1. The authority citation for part 303 continues to read as follows:

**Authority:** 12 U.S.C. 378, 1813, 1815, 1816, 1817(j), 1818, 1819 (Seventh and Tenth), 1828, 1831e, 1831o, 1831p-1; 15 U.S.C. 1607.

2. In § 303.0, paragraph (b)(12) is revised to read as follows:

##### § 303.0 Scope and definitions.

\* \* \* \* \*

(b) \* \* \*

(12) *Appropriate FDIC region, appropriate FDIC regional office, appropriate regional director, appropriate deputy regional director, and appropriate regional counsel* shall refer to the FDIC region, and the FDIC regional office, regional director, deputy regional director, and regional counsel, of the FDIC region, which the FDIC designates as follows:

(i) When an institution or proposed institution that is the subject of an application, request, submittal, notice, or administrative action is not or will not be part of a group of related institutions, the appropriate region for the institution and any individual associated with the institution is the FDIC region in which the institution or proposed institution is or will be located; or

(ii) When an institution or proposed institution that is the subject of an application, request, submittal, notice, or administrative action is or will be part of a group of related institutions, the appropriate region for the institution and any individual associated with the institution is the FDIC region in which the group's major policy and decision makers are located, or any other region the FDIC designates on a case-by-case basis.

\* \* \* \* \*

By Order of the Board of Directors.

Dated at Washington, D.C., this 25th day of March, 1997.

Federal Deposit Insurance Corporation

**Robert E. Feldman,**

*Deputy Executive Secretary.*

[FR Doc. 97-8827 Filed 4-7-97; 8:45 am]

BILLING CODE 6714-01-P

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-NM-234-AD; Amendment 39-9986; AD 97-07-12]

RIN 2120-AA64

#### Airworthiness Directives; McDonnell Douglas Model MD-11 and DC-10 Series Airplanes, and KC-10A (Military) Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 and DC-10 series airplanes, and KC-10A (military) airplanes. That AD currently requires functional testing to verify proper installation of the electrical connectors to the engine generator and fire bell shutoff switches, and correction of the installation, if necessary. This amendment requires installation of a modification that terminates the requirement to perform repetitive functional tests. This amendment is prompted by the development of a modification that minimizes the possibility of improperly connecting (crossing) the electrical connectors to the fire extinguishing handles. The actions specified by this amendment are intended to prevent the wrong engine-driven generator from being shut down unnecessarily in the event of an engine fire warning.

**DATES:** Effective May 13, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 13, 1997.

**ADDRESSES:** The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

Raymond Vakili, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5262; fax (310) 627-5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 93-25-09 R1, amendment 39-9070 (59 FR 56383, November 14, 1994), which is applicable to certain McDonnell Douglas Model MD-11 and DC-10 series airplanes, and KC-10A (military) airplanes, was published in the **Federal Register** as a supplemental notice of proposed rulemaking (NPRM) on November 12, 1996 (61 FR 58012). The existing AD currently requires functional testing to verify proper installation of the electrical connectors to the engine generator and fire bell shutoff switches, and correction of the installation, if necessary. The supplemental NPRM proposed to require the installation of a modification that would terminate the requirement to perform repetitive functional tests.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

**Support for the Proposal**

Several commenters support the proposed AD.

**Request to Extend Compliance Time**

One commenter requests that the compliance time for installation of the modification be extended from the proposed 24 months to 36 months. This commenter, a U.S. operator of affected airplanes, requests this extension so that the modification can be installed during one of this operator's regularly scheduled maintenance intervals. Adoption of the proposed compliance time of 24 months would require this operator to schedule special times for the accomplishment of the modification, at additional expense and downtime.

The FAA does not concur with the commenter's request to extend the compliance time. The operator provided no technical justification for revising this interval as requested. Further, in developing an appropriate compliance time for this action, the FAA considered the safety implications, parts availability, and normal maintenance schedules for timely accomplishment of the modification. In consideration of these items, the FAA has determined that 24 months represents an appropriate interval of time allowable in

which the modifications can be accomplished during scheduled maintenance intervals for the majority of affected operators, and an acceptable level of safety can be maintained. However, paragraph (f) of the final rule does provide affected operators the opportunity to apply for an adjustment of the compliance time if sufficient data are presented to justify such an adjustment.

**Request to Delete System Functional Test Prior to Modification**

One commenter objects to the need to verify the extinguishing system's integrity by accomplishing engine run checks immediately prior to the installation of the terminating modification. This check procedure is specified in the referenced McDonnell Douglas Service Bulletin DC10-26-047 (both the original issue and Revision 1) as the first step to be performed on unmodified airplanes prior to installing the tethers on the engine generator and fire bell shutoff switches. This commenter maintains that the integrity of the system has already been established if the operator has been accomplishing the repetitive checks after any system maintenance, as is currently required by AD 93-25-09 R1. The commenter considers that the need to reconfirm the system's integrity is not justified.

The FAA concurs. The FAA has determined that as long as a functional test has been accomplished in accordance with AD 93-25-09 R1, or in accordance with paragraph (a), (b), or (c) of this final rule, there is no need to perform the additional test of the system just prior to installing the modification. A new paragraph (e) has been added to this final rule to indicate this.

**Request to Rely on Maintenance Actions to Correct Unsafe Condition**

One commenter has no technical objection to the proposal, but suggests that current maintenance practices are sufficient to identify a discrepant connection. The commenter points out that maintenance tasks are now in place in the revised maintenance manual that will enable a cross connection condition to be readily identified.

The FAA does not concur. Service experience has demonstrated that maintenance alone cannot be relied upon to correct what has been determined to be a design deficiency. Reliance on maintenance to correct for a design deficiency increases the risk of introducing maintenance error and defeats the purpose of what it was meant to serve. Moreover, the installation of the modification required

by this AD (at a one-time per-airplane cost of only \$180 to \$210 per airplane) will eliminate the need to rely on numerous long term and costly maintenance tasks.

**Conclusion**

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

**Cost Impact**

There are approximately 100 Model MD-11 airplanes, and 426 Model DC-10 series and KC-10A (military) airplanes, of the affected design in the worldwide fleet. The FAA estimates that 30 Model MD-11 airplanes, and 239 Model DC-10 series and KC-10A (military) airplanes of U.S. registry will be affected by this proposed AD.

*For U.S.-registered Model MD-11 airplanes:* The checks that are currently required by AD 93-25-09 R1 (and retained by this new AD action) take approximately 0.5 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the actions currently required on U.S. operators of Model MD-11 airplanes is estimated to be \$900, or \$30 per airplane, per check.

The terminating modification that is required by this AD action will take approximately 3 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. The cost of required parts is expected to be negligible. Based on these figures, the cost impact of the modification requirements of this AD on U.S. operators of Model MD-11 airplanes is estimated to be \$3,240, or \$180 per airplane.

*For U.S.-registered Model DC-10 series and KC-10A (military) airplanes:* The checks that are currently required by AD 93-25-09 R1 (and retained by this new AD action) take approximately 0.5 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the actions currently required on U.S. operators of these models of airplanes is estimated to be \$7,170, or \$30 per airplane, per check.

The terminating modification that is required by this AD action will take an average of 3.5 work hours per airplane to accomplish, at an average labor rate

of \$60 per work hour. The cost of required parts is expected to be negligible. Based on these figures, the cost impact of the modification requirements of this AD on U.S. operators of these models of airplanes is estimated to be \$50,190, or \$210 per airplane.

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

### Regulatory Impact

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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, Incorporation by reference, 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 39-9070 (59 FR

56383, November 14, 1994), and by adding a new airworthiness directive (AD), amendment 39-9986, to read as follows:

**97-07-12 McDonnell Douglas:** Amendment 39-9986. Docket 95-NM-234-AD. Supersedes AD 93-25-09 R1, Amendment 39-9070.

**Applicability:** Model MD-11 series airplanes as listed in McDonnell Douglas MD-11 Alert Service Bulletin A26-16, dated November 22, 1993; and Model DC-10 series airplanes and KC-10A (military) airplanes as listed in McDonnell Douglas DC-10/KC-10A Alert Service Bulletin A26-46, dated December 6, 1993; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 (f) 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 the wrong engine-driven generator from being shut down unnecessarily in the event of an engine fire warning, accomplish the following:

(a) As of January 7, 1994 (the effective date of AD 93-25-09, amendment 39-8775), prior to further flight following any maintenance performed on the fire extinguishing handle system, perform a functional test to verify proper installation of the electrical connectors to the engine generator and fire bell shutoff switches in accordance with the Accomplishment Instructions of McDonnell Douglas MD-11 Alert Service Bulletin A26-16, dated November 22, 1993 (for Model MD-11 series airplanes); or McDonnell Douglas DC-10/KC-10A Alert Service Bulletin A26-46, dated December 6, 1993 [for Model DC-10 series airplanes, and KC-10A (military) airplanes]; as applicable.

(b) If the electrical connectors are found to be properly installed, repeat the functional test thereafter prior to further flight following any maintenance performed on the fire extinguishing handle system, until the requirements of paragraph (d) of this AD are accomplished.

(c) If the electrical connectors are found to be improperly installed, prior to further flight, correct the wiring installation and repeat the functional test, in accordance with the Accomplishment Instructions of McDonnell Douglas MD-11 Alert Service Bulletin A26-16, dated November 22, 1993 (for Model MD-11 series airplanes); or McDonnell Douglas DC-10/KC-10A Alert Service Bulletin A26-46, dated December 6, 1993 [for Model DC-10 series airplanes, and KC-10A (military) airplanes]; as applicable.

Thereafter, repeat the functional test prior to further flight following any maintenance performed on the fire extinguishing handle system, until the requirements of paragraph (d) of this AD are accomplished.

(d) Except as provided by paragraph (e) of this AD: Within 24 months after the effective date of this AD, install tethers on the engine generator and fire bell shutoff system and fire bottle electrical connectors, in accordance with McDonnell Douglas Service Bulletin MD11-26-018, dated August 24, 1995 (for Model MD-11 series airplanes); or McDonnell Douglas Service Bulletin DC10-26-047, Revision 1, dated August 22, 1996 [for Model DC-10 series airplanes and KC-10A (military) airplanes]; as applicable. Accomplishment of this installation constitutes terminating action for the functional tests required by this AD.

(e) For those airplanes on which a functional test has been accomplished in accordance with either AD 93-25-09 R1, amendment 39-9070; or paragraph (a), (b), or (c) of this AD: The functional test specified in the "Test" procedures in paragraph 3.B. of the Accomplishment Instructions of McDonnell Douglas Service Bulletin MD11-26-018, dated August 24, 1995 (for Model MD-11 series airplanes); or McDonnell Douglas Service Bulletin DC10-26-047, Revision 1, dated August 22, 1996 [for Model DC-10 series airplanes and KC-10A (military) airplanes] need not be performed.

(f) 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, Los Angeles 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, Los Angeles ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(g) 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.

(h) The functional tests shall be done in accordance with McDonnell Douglas MD-11 Alert Service Bulletin A26-16, dated November 22, 1993 (for Model MD-11 series airplanes); or McDonnell Douglas DC-10/KC-10A Alert Service Bulletin A26-46, dated December 6, 1993 [for Model DC-10 series airplanes, and KC-10A (military) airplanes]; as applicable. This incorporation by reference was approved previously by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of November 29, 1994 (59 FR 56383, November 14, 1994). The installation shall be done in accordance with McDonnell Douglas Service Bulletin MD11-26-018, dated August 24, 1995 (for Model MD-11 series airplanes); or McDonnell Douglas Service Bulletin DC10-26-047, Revision 1, dated August 22, 1996 [for Model DC-10 series airplanes and KC-10A (military) airplanes]; as applicable. This incorporation

by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on May 13, 1997.

Issued in Renton, Washington, on March 27, 1997.

**S.R. Miller,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 97-8424 Filed 4-7-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-CE-19-AD; Amendment 39-9990; AD 97-08-02]

RIN 2120-AA64

#### **Airworthiness Directives; Schempp-Hirth K.G. Models Standard-Cirrus, Nimbus-2, Nimbus-2B, Mini-Nimbus HS-7, Mini-Nimbus B, Discus a, and Discus b Sailplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to certain Schempp-Hirth K.G. (Schempp-Hirth) Models Standard-Cirrus, Nimbus-2, Nimbus-2B, Mini-Nimbus HS-7, Mini-Nimbus B, Discus a, and Discus b sailplanes. This AD requires accomplishing a load test of the elevator control system, and replacing the elevator vertical actuating tube either immediately or at a certain time period depending on the results of the load test. This AD results from reported incidents of corrosion found in the elevator because of water entering the elevator control rod. The actions specified by this AD are intended to prevent corrosion in the elevator caused by water entering the elevator control rod, which could result in elevator failure and subsequent loss of control of the sailplane.

**DATES:** Effective May 30, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 30, 1997.

**ADDRESSES:** Service information that applies to this AD may be obtained from Schempp-Hirth Flugzeugbau GmbH, Krebenstrasse 25, Postfach 1443, D-73230 Kirchheim/Teck, Germany. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96-CE-19-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. **FOR FURTHER INFORMATION CONTACT:** Mr. J. Mike Kiesov, Project Officer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; facsimile (816) 426-2169.

#### **SUPPLEMENTARY INFORMATION:**

##### **Events Leading to the Issuance of This AD**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Schempp-Hirth Models Standard-Cirrus, Nimbus-2, Nimbus-2B, Mini-Nimbus HS-7, Mini-Nimbus B, Discus a, and Discus b sailplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 5, 1996 (61 FR 56921). The NPRM proposed to require accomplishing a load test of the elevator control system, and replacing the elevator vertical actuating tube either immediately or at a certain time period depending on the results of the load test. Accomplishment of the proposed actions as specified in the NPRM would be in accordance with Schempp-Hirth Technical Note No. 278-33, 286-28, 295-22, 328-10, 349-16, 360-9, 373-5, dated November 19, 1992, and the Appendix to this technical note.

The NPRM resulted from reported incidents of corrosion found in the elevator because of water entering the elevator control rod.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed AD or the FAA's determination of the cost to the public.

##### **The FAA's Determination**

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the

public interest require the adoption of the AD as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

##### **Compliance Time of the AD**

The compliance time of the replacement required by this AD is presented in calendar time instead of hours time-in-service. The FAA has determined that a calendar time for compliance would be the most desirable method because the unsafe condition of the elevator control system is caused by corrosion. Corrosion can occur in the areas of the elevator control system of the affected sailplanes, regardless of whether the sailplane is in service.

##### **Cost Impact**

The FAA estimates that 167 sailplanes in the U.S. registry will be affected by this AD, that it will take approximately 3 workhours per sailplane to accomplish the required action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$40 per sailplane. Based on these figures, the total cost impact of the proposed AD on U.S. sailplane operators is estimated to be \$36,740. This figure is based on the presumption that no owner/operator of the affected sailplanes has accomplished the required replacement.

Schempp-Hirth has informed the FAA that parts have been distributed to equip approximately 53 sailplanes. Presuming that each set of parts is incorporated on an affected sailplane, the cost impact upon U.S. sailplane owners/operators is reduced by \$11,660 from \$36,740 to \$25,080.

In addition, the above figure is based only on the replacement cost; it does not take into account the cost of the load test. An owner/operator of an affected sailplane is allowed to accomplish this load test so the only cost involved is the time it takes the owner/operator to accomplish this test.

##### **Regulatory Impact**

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.