

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-9970 (62 FR 23339, April 30, 1997), and by adding a new airworthiness directive, to read as follows:

Rolls-Royce plc: Docket No. 97-ANE-09.
Revises AD 97-06-13, Amendment 39-9970.

Applicability: Rolls-Royce plc (R-R) Model RB211 Trent 892, 884, 877, 875, and 892B series turbofan engines, installed on but not limited to Boeing 777 series aircraft.

Note 1: This airworthiness directive (AD) applies to each engine 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 engines 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 loss of oil, which could cause an engine fire, and in-flight engine shutdowns and airplane diversions caused by oil loss and bearing failures, accomplish the following:

Currently Required Actions

(a) Inspect angle drive upper shroud tubes as follows:

(1) Within 50 cycles-in-service (CIS) after May 15, 1997, the effective date of AD 97-06-13, visually inspect and measure the fretting and fluorescent penetrant inspect (FPI) for cracks the angle drive upper shroud tubes in accordance with R-R Service Bulletin (SB) No. RB.211-72-C089, Revision 1, dated January 24, 1997.

(2) Thereafter, at intervals not to exceed 50 CIS since last inspection, visually inspect and measure the fretting and FPI for cracks in the angled drive upper shroud tubes, in accordance with R-R SB No. RB.211-72-C089, Revision 1, dated January 24, 1997.

(3) Prior to further flight, remove from service angled drive upper shroud tubes that exhibit fretting measured in excess of 0.020 inches, or any cracks, and replace with serviceable parts.

(4) Installation of an improved angled drive upper shroud tube with a lower splitter fairing with revised sealing in accordance with R-R SB No. RB.211-72-C114, Revision 2, dated March 13, 1998, constitutes terminating action to the requirements of this paragraph.

(5) Prior to initiation of Extended-Range Operations with Two-Engine Aircraft (ETOPS), or prior to September 30, 1997, whichever occurs first, install an improved angled drive upper shroud tube with a lower splitter fairing with revised sealing in

accordance with R-R SB No. RB.211-72-C114, Revision 2, dated March 13, 1998.

(b) Inspect the intermediate gearbox housing (IGH) and external gearbox lower bevel box (LBB) housing as follows:

(1) Within 5 CIS after May 15, 1997, the effective date of AD 97-06-13, perform an initial visual inspection of the IGH and LBB housing for cracks, in accordance with R-R Mandatory SB No. RB.211-72-C129, Revision 2, dated March 21, 1997.

(2) Within 10 CIS after May 15, 1997, the effective date of AD 97-06-13, perform an initial FPI of the IGH for cracks, in accordance with R-R Mandatory SB No. RB.211-72-C129, Revision 2, dated March 21, 1997.

(3) Thereafter, at intervals not to exceed 5 CIS since last visual inspection, visually inspect the IGH and LBB housing for cracks, and at intervals not to exceed 10 CIS since last FPI, FPI the IGH, in accordance with R-R Mandatory SB No. RB.211-72-C129, Revision 2, dated March 21, 1997.

(4) Within 10 CIS after May 15, 1997, the effective date of AD 97-06-13, perform an FPI of the IGH for porosity in accordance with R-R Mandatory SB No. RB.211-72-C129, Revision 2, dated March 21, 1997.

(5) Within the next 5 CIS after May 15, 1997, the effective date of AD 97-06-13, remove from service IGHs that exhibit porosity levels in excess of the acceptable criteria listed in the SB and replace with serviceable parts.

(6) Prior to further flight, remove from service cracked IGHs and LBB housings and replace with serviceable parts.

Optional Terminating Action to Paragraph (b) Requirements

(7) Incorporation of modifications described in R-R SB RB.211-72-C220, dated April 18, 1997, which introduces a low vibration angled drive shaft; and R-R SB RB.211-72-C197, March 4, 1997, which introduces IGH assembly with increased wall thickness, or SB RB.211-72-C211, dated March 21, 1997, which introduces a strengthened gearbox housing assembly, are incorporated, constitute terminating action to the requirements of this paragraph.

Master Magnetic Chip Detector (MCD) Inspections

(c) Inspect the Master MCD as follows:

(1) Within 100 hours time-in-service (TIS) after May 15, 1997, the effective date of AD 97-06-13, perform an initial inspection of the Master MCD in accordance with Mandatory SB No. RB.211-79-C093, Revision 1, February 28, 1997.

Extended Master MCD Repetitive Inspection Interval

(2) Thereafter, at intervals not to exceed 250 hours TIS since last inspection, perform repetitive inspections of the Master MCD in accordance with Mandatory SB No. RB.211-79-C093, Revision 1, dated February 28, 1997.

Alternative Method 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, Engine

Certification Office (ECO). Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Ferry Flights

(e) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the inspection requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on October 25, 1999.

David A. Downey,

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

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DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 1**

[REG-105327-99]

RIN 1545-AX03

Qualified Zone Academy Bonds; Obligations of States and Political Subdivisions; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations providing guidance to holders and issuers of qualified zone academy bonds.

DATES: The public hearing originally scheduled for Tuesday, November 9, 1999, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: Michael L. Slaughter of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622-7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking by cross-reference to temporary regulations, and notice of public hearing that appeared in the **Federal Register** on Thursday, July 1, 1999 (64 FR 35579), announced that a public hearing was scheduled for Tuesday, November 9, 1999, at 10 a.m., in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed

regulations under section 1397E of the Internal Revenue Code. The public comment period for these proposed regulations expired on Wednesday, September 29, 1999. The outlines of topics to be addressed at the hearing were due on Tuesday, October 19, 1999.

The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of October 28, 1999, no one has requested to speak. Therefore, the public hearing scheduled for Tuesday, November 9, 1999, is cancelled.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 99-5B]

Notice and Recordkeeping for Non-subscription Digital Transmissions

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Copyright Office proposes extending the date by which a non-interactive, non-subscription service currently making digital transmissions of sound recordings must file an initial notice of digital transmission with the Copyright Office from October 15, 1999, to December 1, 1999.

DATES: Comments must be received by the Copyright Office on or before November 17, 1999.

ADDRESSES: An original and ten copies of the comments shall be hand delivered to: Office of General Counsel, Copyright Office, LM-403, James Madison Memorial Building, 101 Independence Avenue, SE, Washington, DC 20559-6000, or mailed to: David O. Carson, General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Attorney Advisor, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION:

Background

On October 28, 1998, the President signed into law the Digital Millennium Copyright Act of 1998 ("DMCA"). Among other things, the DMCA expanded the section 114 compulsory license to allow a nonexempt, eligible non-subscription transmission service and a preexisting satellite digital audio radio service to perform publicly a sound recording by means of certain digital audio transmissions, subject to compliance with notice and recordkeeping requirements. 17 U.S.C. 114(f).

For purposes of promulgating regulations governing the notice and recordkeeping requirements, the Office published a notice of proposed rulemaking in August, 1999, seeking to amend 37 CFR 201.35(f)—the interim regulation that requires the submission of an initial notice of digital transmission. The proposed change required each non-subscription service to file an initial notice of digital transmission prior to its first transmission, or in the case of those services already making such transmissions, prior to October 15, 1999. 64 FR 42316 (August 4, 1999). On September 2, 1999, the Recording Industry of America, Inc. ("RIAA") filed the only comment to the proposed change supporting, in general, the Office's proposal to amend the date by which a nonexempt, eligible non-subscription service already in operation could file a timely initial notice. Because there was no opposition to the proposed interim rule change, the Office set October 15, 1999, as the date by which non-subscription services currently making digital transmissions had to file its initial notice. 64 FR 50758 (September 20, 1999).

On October 15, 1999, the National Association of Broadcasters ("NAB") filed a petition with the Copyright Office, seeking an extension of the date for filing these initial notices until December 1, 1999. NAB makes this request because it believes that many potentially affected parties were unaware of the need to file an initial notice by the October 15, 1999, date, and consequently, missed the filing deadline, thereby jeopardizing their opportunity to rely upon the statutory license. NAB also suggests that the Office need not have proceeded at such a swift pace to amend the notice requirements when the rates and terms for the section 114 license have yet to be set. However, NAB is not proposing any change to the published schedule for the rate setting proceeding. See 64 FR 52107 (September 27, 1999).

In a response to the NAB petition, RIAA raised no objection to NAB's proposal to extend the date for filing initial notices from October 15, 1999, to December 1, 1999, although it stated that it would strongly oppose any extension beyond that date and any change to the November 1, 1999, filing date for the Notices of Intent to Participate in the rate setting proceeding. RIAA states that it needs the information supplied by the initial notices and the Notices of Intent to Participate in order to complete the industry-wide negotiations, the aim of which is to set rates and terms for the section 112 and 114 statutory licenses. See 63 FR 65555 (November 27, 1998).

NAB's reasons for requesting the extension are supported by the facts. Since October 15, 1999, the Copyright Office has received several hundred initial notices and expects additional filings to continue. Thus, it appears that many of the potentially affected parties were unaware of the rule change that set a date certain by which services currently operating under the section 114 statutory license had to file an initial notice of digital transmission of sound recordings.

In recognition of the apparent breakdown in the process to disseminate the information regarding the filing requirement to those parties most affected by the interim rule change, the Office is proposing to amend its interim regulation in accordance with NAB's suggestion and to adopt the proposed December 1, 1999, date as the deadline for filing initial notices.

In any event, the Office will accept all initial notices filed with the Licensing Division of the Copyright Office. However, the Office takes no position on the legal sufficiency of any filing made with the Office that does not conform with the filing requirements announced in 37 CFR 201.35(f). A service should be aware that the date-specific filing deadline for non-subscription services is significant only if it has made a digital transmission under the statutory license prior to that filing date. Any preexisting entity, just as any new entity which chooses to make use of the license at a future time, may file its initial notice after these dates, so long as it files its initial notice with the Licensing Division prior to the first transmission of a sound recording.

For these reasons, and because the Office considers it likely that there will be no substantive objections filed and that the Office will promulgate a final rule extending the deadline to December 1, services that have commenced making eligible non-subscription