

# Rules and Regulations

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## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### 12 CFR Part 3

[Docket No. 98-12]

RIN 1557-AB14

## FEDERAL RESERVE SYSTEM

#### 12 CFR Parts 208 and 225

[Regulations H and Y; Docket No. R-0982]

### FEDERAL DEPOSIT INSURANCE CORPORATION

#### 12 CFR Part 325

RIN 3064-AC11

## DEPARTMENT OF THE TREASURY Office of Thrift Supervision

#### 12 CFR Part 567

[Docket No. 98-75]

RIN 1550-AB11

### Risk-Based Capital Standards: Unrealized Holding Gains on Certain Equity Securities; Correction

**AGENCIES:** Office of the Comptroller of the Currency, Treasury; Board of Governors of the Federal Reserve System; Federal Deposit Insurance Corporation; and Office of Thrift Supervision, Treasury.

**ACTION:** Final rule; correction.

**SUMMARY:** On September 1, 1998, the Agencies published a final rule to amend their respective risk-based capital standards for banks, bank holding companies, and thrifts (institutions) with regard to the regulatory capital treatment of unrealized holding gains on certain equity securities (63 FR 46517). This document corrects an error in the **SUPPLEMENTARY INFORMATION** section of the final rule.

**DATES:** This final rule is effective October 1, 1998. The Agencies will not object if an institution wishes to apply the provisions of this final rule beginning on September 1, 1998.

#### FOR FURTHER INFORMATION CONTACT:

Jenetha M. Hickson, Alternate Liaison Officer, (202) 898-3807.

**SUPPLEMENTARY INFORMATION:** The Agencies' final rule, as published on September 1, 1998, at 63 FR 46518, contains an incomplete footnote. Accordingly, on page 46518, in the third column, footnote 2 is corrected to read as follows:

<sup>2</sup> Each Agency's risk-based capital standards contain more detailed descriptions of core and supplementary capital. See 12 CFR Part 3, Appendix A, for national banks; 12 CFR Part 208, Appendix A, for state member banks; 12 CFR Part 225, Appendix A, for bank holding companies; 12 CFR Part 325, Appendix A, for state nonmember banks; and 12 CFR Part 567 for savings associations.

Dated: September 3, 1998.

**Mark J. Tenhundfeld,**

*Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.*

By order of the Board of Governors of the Federal Reserve System, September 3, 1998.

**Robert deV. Frierson,**

*Associate Secretary of the Board.*

Dated: August 25, 1998.

Federal Deposit Insurance Corporation

**Robert E. Feldman,**

*Executive Secretary.*

Dated: September 2, 1998.

By the Office of Thrift Supervision.

**Mary H. Gottlieb,**

*Federal Register Liaison Officer.*

[FR Doc. 98-24453 Filed 9-10-98; 8:45am]

BILLING CODE 4810-33-P; 6210-01-P; 6714-01-P; 6720-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-ANE-50-AD; Amendment 39-10728; AD 98-18-12-AD]

RIN 2120-AA64

### Airworthiness Directives; Textron Lycoming Fuel Injected Reciprocating Engines

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

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to certain Textron Lycoming fuel injected reciprocating engines with certain Crane/Lear Romec "AN" rotary fuel pumps installed. This action requires initial and repetitive torque check inspections of pump relief valve attaching screws. In addition, if the torque remains within acceptable values after two inspections, the repetitive torque check inspections may be terminated. This amendment is prompted by reports of inflight engine fires caused by leaking rotary fuel pumps. The actions specified in this AD are intended to prevent rotary fuel pump leaks, which could result in an engine failure, engine fire, and damage to or loss of the aircraft.

**DATES:** Effective September 28, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 28, 1998.

Comments for inclusion in the Rules Docket must be received on or before November 10, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-ANE-50-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@faa.dot.gov". Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from Textron Lycoming, 652 Oliver St., Williamsport, PA 17701; telephone (717) 327-7080, fax (717) 327-7100. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Ray O'Neill, Aerospace Engineer, New York Aircraft Certification Office, FAA, Engine and Propeller Directorate, 10 Fifth St., 3rd Floor, Valley Stream, NY 11581-1200; telephone (516) 256-7505, fax (516) 568-2716.

**SUPPLEMENTARY INFORMATION:** The Federal Aviation Administration (FAA) has received reports of three engine fires and six other fuel leakage events on certain Textron Lycoming fuel injected reciprocating engines with Crane/Lear Romec "AN" rotary fuel pumps, model series RG9080, RG9570, and RG17980, installed. The investigations revealed that the rotary fuel pumps were leaking past the fuel pump relief valve gasket. The fuel pump valve cover screws had become loose, possibly due to gasket compression set (permanent deformation) or screw yield. If the torque loosens due to gasket compression set, once the torque is reset, it may not loosen again. Therefore, this AD allows for termination of repetitive torque checks if the torque meets specifications during two follow-up checks after being reset. This condition, if not corrected, could result in rotary fuel pump leaks, which could result in an engine failure, engine fire, and damage to or loss of the aircraft.

The FAA has reviewed and approved the technical contents of Textron Lycoming Service Bulletin (SB) No. 529, dated December 1, 1997, that describes procedures for torque check inspections of pump relief valve attaching screws.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design, this AD is being issued to prevent rotary fuel pump leaks. This AD requires initial and repetitive torque check inspections of pump relief valve attaching screws. In addition, if the torque remains within acceptable values after two inspections, the repetitive torque check inspections may be terminated. The manufacturer is developing a modification to the rotary fuel pump with a more resilient gasket material that does not exhibit these permanent set characteristics, so future rulemaking may be forthcoming requiring this modification as a terminating action to the repetitive inspections required if the torque does not remain within the values stated by the SB. The actions are required to be accomplished in accordance with the SB described previously.

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 should 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 notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 97-ANE-50-AD." The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and 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, 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 adding the following new airworthiness directive:

#### 98-18-12-AD Textron Lycoming:

Amendment 39-10728. Docket 97-ANE-50-AD.

**Applicability:** Textron Lycoming IO-320, LIO-320, IO-360, HIO-360, TIO-360, LTIO-360, GO-435, GO-480, IGO-480-A1B6, IO-540, IGO-540, AEIO-540, HIO-540, TIO-540, LTIO-540, TIGO-541, IO-720, and TIO-720 fuel injected reciprocating engines, with Crane/Lear Romec "AN" rotary fuel pump model series, RG9080, RG9570, and RG17980 installed. These engines are installed on but not limited to fuel injected, reciprocating engine powered aircraft manufactured by Cessna, The New Piper, Inc., Mooney, Raytheon (Beech), Bellanca, Champion, Partenavia, Rockwell, Schweizer, Enstrom, Aerospatiale (SOCATA), Maule, Aero Commander, Helio, Hiller, and Pacific Aerospace Corp.

**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 (b) 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 rotary fuel pump leaks, which could result in an engine failure, engine fire, and damage to or loss of the aircraft, accomplish the following:

(a) Perform initial and repetitive torque check inspections of pump relief valve attaching screws in accordance with the Accomplishment Instructions of Textron Lycoming Service Bulletin (SB) No. 529, dated December 1, 1997, as follows:

(1) Within 10 hours time in service (TIS), or 30 days after the effective date of this AD, whichever occurs first, perform the initial torque check inspection. If the torque does not meet the specifications in Textron Lycoming SB No. 529, dated December 1, 1997, tighten screws to the required torque in accordance with that SB.

(2) Perform a follow-up torque check inspection after accumulating 50 hours TIS, or 6 months since the initial torque check inspection, whichever occurs first. If the torque does not meet the specification in Textron Lycoming SB No. 529, dated December 1, 1997, during this follow-up inspection, tighten screws to the required torque in accordance with that SB.

(3) Continue the repetitive torque check inspections required by paragraph (a)(2) of this AD until:

(i) The accumulation of 100 hours TIS since the initial inspection with the torque remaining within the SB specification for 50 hours TIS; or

(ii) The torque meets the SB specification during the initial inspection and a subsequent inspection taking place at least 50 hours TIS later.

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

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the New York Aircraft Certification Office.

(c) 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 aircraft to a location where the requirements of this AD can be accomplished.

(d) The actions required by this AD shall be done in accordance with the following Textron Lycoming SB:

Document No.	Pages	Date
529 .....	1-6	December 1, 1997.
Total Pages: 6.		

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 Textron Lycoming, 652 Oliver St., Williamsport, PA 17701; telephone (717) 327-7080, fax (717) 327-7100. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England

Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on September 28, 1998.

Issued in Burlington, Massachusetts, on September 1, 1998.

**Jay J. Pardee,**

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

[FR Doc. 98-24184 Filed 9-10-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-ANE-44-AD; Amendment 39-10752; AD 98-19-10]

RIN 2120-AA64

#### Airworthiness Directives; CFM International CFM56-3, -3B, and -3C Series Turbofan Engines

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

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to CFM International (CFMI) CFM56-3, -3B, and -3C series turbofan engines. This action requires, on aircraft with two affected engines installed, removal of one affected engine from an aircraft, and replacement with a serviceable engine, or replacement of a suspect accessory gearbox (AGB) starter gearshaft with a serviceable gearshaft within 350 hours time in service (TIS) after the effective date of this AD, or by September 1, 1998, whichever occurs first. This action also requires, on aircraft with only one affected engine installed, removal of the affected engine from the aircraft, and replacement with a serviceable engine, or replacement of the suspect starter gearshaft with a serviceable gearshaft within 2,100 hours TIS after the effective date of this AD, or by February 1, 1999, whichever occurs first. This amendment is prompted by reports of two inflight engine shutdowns caused by an AGB starter gearshaft failure. The actions specified in this AD are intended to prevent an AGB starter gearshaft failure, which can result in an inflight engine shutdown, and on aircraft with two affected engines installed, possible dual inflight engine shutdown and forced landing.

**DATES:** Effective September 28, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 28, 1998.

Comments for inclusion in the Rules Docket must be received on or before November 10, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-ANE-44-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@faa.dot.gov". Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from CFM International, Technical Publications Department, 1 Neumann Way, Cincinnati, OH 45215; telephone (513) 552-2981, fax (513) 552-2816. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Glorianne Messemer, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; Telephone (781) 238-7132, Fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** The Federal Aviation Administration (FAA) has received reports of two inflight engine shutdowns on CFM International (CFMI) CFM56-3, -3B, and -3C series turbofan engines. The investigation revealed that the inflight engine shutdowns were caused by an accessory gearbox (AGB) starter gearshaft failure. The investigation revealed that the gearshafts failed due to inadequate fatigue capability caused by high residual tensile stresses introduced during the manufacturing process, coupled with the elimination of shotpeening in the gearshaft hub. The manufacturing process has since been modified. The starter gearshaft, part number 335-302-503-0, involved in the events are included in a lot of 426 parts that have since been identified by the manufacturer as being installed on engines identified by engine serial number (ESN). This condition, if not corrected, could result in an AGB starter gearshaft failure, which can result in an inflight engine shutdown, and on aircraft with two affected engines