

nonbank subsidiaries. These comments argue that section 106, by its terms, only applies to banks and the Board's extension of these restrictions places bank holding companies and their nonbank subsidiaries at a competitive disadvantage. These commenters emphasize that, even without these restrictions, bank holding companies and their nonbank subsidiaries remain subject to the antitrust laws. The Board has this matter under consideration and has asked staff to analyze whether additional steps should be taken.

**Paperwork Reduction Act**

No collections of information pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) are contained in the final rule.

**Regulatory Flexibility Act**

It is hereby certified that this final rule will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 12 CFR Part 225**

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in the preamble, the Board amends 12 CFR Part 225 as set forth below:

**PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)**

1. The authority citation for 12 CFR part 225 continues to read as follows:

**Authority:** 12 U.S.C. 1817(j)(13), 1818, 1831i, 1831p-1, 1843(c)(8), 1844(b), 1972(1), 3106, 3108, 3310, 3331-3351, 3907, and 3909.

2. In section 225.7, a new paragraph (b)(4) is added to read as follows:

**§ 225.7 Tying restrictions.**

\* \* \* \* \*

(b) \* \* \*

(4) *Safe harbor for combined-balance discounts.* A bank holding company or any bank or nonbank subsidiary thereof may vary the consideration for any product or package of products based on a customer's maintaining a combined minimum balance in certain products specified by the company varying the consideration (eligible products), if:

(i) That company (if it is a bank) or a bank affiliate of that company (if it is not a bank) offers deposits, and all such deposits are eligible products; and

(ii) Balances in deposits count at least as much as non-deposit products toward the minimum balance.

\* \* \* \* \*

By order of the Board of Governors of the Federal Reserve System, April 19, 1995.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 95-10120 Filed 4-24-95; 8:45am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 94-ANE-38; Amendment 39-9206, AD 95-09-02]

**Airworthiness Directives; AlliedSignal Engines (Formerly Textron Lycoming) LTS101 Series Turboshaft and LTP101 Series Turboprop 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 AlliedSignal Engines (formerly Textron Lycoming) LTS101 series turboshaft and LTP101 series turboprop engines. This action supersedes priority letter AD 94-19-01 that currently requires initial and repetitive inspections for wear of the engine fuel pump internal drive splines, and replacement of engine fuel pumps that exhibit wear beyond specified limits. This action clarifies the original requirements of the current AD by providing additional information to emphasize that the AD only applies to engines installed on single-engine aircraft and to emphasize that removed fuel pumps must be returned to the manufacturer for inspection. In addition, this action defines a serviceable part. This amendment is prompted by requests to clarify interpretations of the current priority letter AD. The actions specified by this AD are intended to prevent engine fuel pump failure, which can result in total engine power loss and possible loss of the aircraft.

**DATES:** Effective May 10, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 10, 1995.

Comments for inclusion in the Rules Docket must be received on or before June 26, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94-ANE-38, 12 New England Executive Park, Burlington, MA 01803-5299.

The service information referenced in this AD may be obtained from AlliedSignal Engines, 550 Main Street, Stratford, CT 06497; telephone (203) 385-2000. This information may be examined at the FAA, New England Region, Office of the Assistant Chief 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:** Eugene Triozzi, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7148, fax (617) 238-7199.

**SUPPLEMENTARY INFORMATION:** On September 2, 1994, the Federal Aviation Administration (FAA) issued priority letter airworthiness directive (AD) 94-19-01, applicable to Textron Lycoming LTS101 series turboshaft and LTP101 series turboprop engines, which requires initial and repetitive inspections for wear of the engine fuel pump internal drive splines, and replacement of engine fuel pumps that exhibit wear beyond the limits specified in Textron Lycoming Service Bulletin (SB) No. LT101-73-20-0165, dated September 1, 1994, with a serviceable part. Fuel pumps removed in accordance with that AD must be returned to Chandler Evans (CECO) for disassembly, inspection and repair. That action was prompted by a report of a helicopter accident that resulted in a total loss of engine power and subsequent autorotation of a helicopter powered by a Textron Lycoming Model LTS101-600A-3 turboshaft engine. Investigation of that accident and other recent engine failures found that CECO Model MFP261 engine fuel pump internal drive spline teeth were worn away and failed to engage, resulting in loss of fuel delivery to the engine. The wear progressed to failure prior to the specified overhaul interval of 2,400 hours time in service (TIS). The FAA has determined that the present engine fuel pump overhaul interval is insufficient to prevent excessive wear of internal drive splines during service. That condition, if not corrected, could result in engine fuel pump failure, which can result in total engine power loss and possible loss of the aircraft.

Since issuance of that priority letter AD, on October 28, 1994, AlliedSignal Inc. purchased the turbine engine product line of Textron Lycoming. In addition, the FAA has approved the technical contents of AlliedSignal Engines Service Bulletin (SB) No. LT101-73-20-0165, Revision 1, dated January 3, 1995, that adds fuel pump Part Number 4-301-128-09 to the SB's effectivity. The FAA has accordingly revised the applicability of this AD to include that additional part number.

In addition, the FAA has received requests to clarify interpretations of the current priority letter AD. To begin, this AD is applicable to single-engine aircraft only. Although other AlliedSignal Engines LTS101 and LTP101 engine models, installed on multi-engine aircraft, use the same fuel pump internal spline design, the FAA has not determined that those other engine models face the same unsafe condition. Should unsafe conditions develop in the future on other engine models that incorporate fuel pumps with internal spline designs, the FAA may consider additional AD actions. This finding has been coordinated with the Small Aircraft and the Rotorcraft Directorates.

Second, the FAA has determined that the removed fuel pumps must be returned to CECO due to CECO's specialized disassembly and inspection capabilities. The manufacturer must also obtain data necessary to further define the fuel pump failure characteristics, and to develop design modifications to correct the unsafe condition.

Finally, for the purpose of this AD, a serviceable part is defined as a new part, or a part that has been inspected by CECO in accordance with AlliedSignal Engines SB No. LT101-73-20-0165, Revision 1, dated January 3, 1995, and that has not yet accumulated 900 hours time in service (TIS) since new, or since inspection by CECO.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of this same type design, this AD supersedes priority letter AD 94-19-01 to require initial and repetitive inspections for wear of the engine fuel pump internal drive splines, and replacement of engine fuel pumps that exhibit wear beyond the limits specified in AlliedSignal Engines SB No. LT101-73-20-0165, Revision 1, dated January 3, 1995, with a serviceable part. Fuel pumps removed in accordance with this AD must be returned to CECO for disassembly, inspection and repair. The actions are required to be accomplished in

accordance with the service bulletin 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 94-ANE-38." 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. App. 1354 (a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

#### 95-09-02 AlliedSignal Engines:

Amendment 39-9206. Docket No. 94-ANE-38.

**Applicability:** AlliedSignal Engines (formerly Textron Lycoming) LTS101 series turboshaft and LTP101 series turboprop engines incorporating Chandler Evans (CECO) engine fuel pumps, Part Numbers 4-301-128-01, -02, -03, -04, -05, -06, -07, -08, -09, and -10. These engines are installed on but not limited to the following single-engine aircraft: Eurocopter France (formerly Aerospatiale) AS350D series helicopters and Airtractor AT302, PAC Aero Cresco, and Page (Ayres S-2R) Thrush airplanes. This AD is not applicable to engines installed on twin-engine aircraft.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent engine fuel pump failure, which can result in total engine power loss and possible loss of the aircraft, remove CECO engine fuel pumps, return to CECO for inspection, and replace with a serviceable part, in accordance with the following schedule:

(a) Remove from service CECO engine fuel pumps with greater than 1,300 hours time in service (TIS) since new or overhaul on the effective date of this airworthiness directive (AD), within the next 100 hours TIS after the effective date of this AD, in accordance with AlliedSignal Engines Service Bulletin (SB) No. LT101-73-20-0165, Revision 1, dated January 3, 1995, or previous revision.

(b) Remove from service CECO engine fuel pumps with greater than 850 hours TIS but less than or equal to 1,300 hours TIS since new or overhaul on the effective date of this AD, within the next 150 hours TIS after the effective date of this AD, in accordance with AlliedSignal Engines SB No. LT101-73-20-0165, Revision 1, dated January 3, 1995, or previous revision.

(c) Remove from service CECO engine fuel pumps with less than or equal to 850 hours TIS since new or overhaul on the effective date of this AD, within the next 300 hours TIS after the effective date of this AD, or prior to accumulating 1,000 hours TIS since

new or overhaul, whichever occurs first, in accordance with AlliedSignal Engines SB No. LT101-73-20-0165, Revision 1, dated January 3, 1995, or previous revision.

(d) Thereafter, remove from service CECO engine fuel pump at intervals not to exceed 900 hours TIS since the last inspection in accordance with the Accomplishment Instructions of AlliedSignal Engines SB No. LT101-73-20-0165, Revision 1, dated January 3, 1995, or previous revision.

(e) Engine fuel pumps that exhibit wear beyond the limits specified in AlliedSignal Engines SB No. LT101-73-20-0165, Revision 1, dated January 3, 1995, or previous revision, may not be returned to service.

(f) For the purpose of this AD, a serviceable part is defined as a new part, or a part that has been inspected by CECO in accordance with AlliedSignal Engines SB No. LT101-73-20-0165, Revision 1, dated January 3, 1995, or previous revision, and that has not yet accumulated 900 hours TIS since new, or since inspection by CECO.

(g) 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. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

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

(h) 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.

(i) The actions required by this AD shall be done in accordance with the following service bulletin:

Document No.	Revision	Pages	Date
AlliedSignal Engines SB No. LT101-73-20-0165 .....	1	1-3	January 3, 1995.
Total Pages: 3.			
Chandler Evans SB No. 73-13 .....	1	1-5	January 3, 1995.
Total Pages: 5.			

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 AlliedSignal Engines, 550 Main Street, Stratford, CT 06497; telephone (203) 385-2000. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief 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.

(j) This amendment supersedes priority letter AD 94-19-01, issued September 2, 1994.

(k) This amendment becomes effective on May 10, 1995.

Issued in Burlington, Massachusetts, on April 17, 1995.

**James C. Jones,**

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

[FR Doc. 95-10134 Filed 4-21-95; 11:19 am]

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**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Part 1952**

[Docket No. T-026]

**Michigan State Plan: Approval of Revised Compliance Staffing Benchmarks**

**AGENCY:** Department of Labor, Occupational Safety and Health Administration (OSHA).

**ACTION:** Final Rule: approval of revised State compliance staffing benchmarks.

**SUMMARY:** This document amends agency regulations to reflect the Assistant Secretary's decision to approve revised compliance staffing benchmarks for the Michigan State plan.

**EFFECTIVE DATE:** April 25, 1995.

**FOR FURTHER INFORMATION CONTACT:** Richard Liblong, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3637, 200 Constitution Avenue NW., Washington, D.C. 20210, (202) 219-8148.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 18 of the Occupational Safety and Health Act of 1970 ("the Act," 29 U.S.C. 651 et seq.) provides that States

which desire to assume responsibility for developing and enforcing occupational safety and health standards may be so by submitting, and obtaining Federal approval of, a State plan. Section 18(c) of the Act sets forth the statutory criteria for plan approval, and among these criteria is the requirement that the State's plan provide satisfactory assurances that the state agency or agencies responsible for implementing the plan have " \* \* \* the qualified personnel necessary for the enforcement of \* \* \* standards," 29 U.S.C. 667(c)(4).

A 1978 decision of the U.S. Court of Appeals and the resultant implementing order issued by the U.S. District Court for the District of Columbia (*AFL-CIO v. Marshall*, C.A. No. 74-406) interpreted this provision of the Act to require States operating approved State plans to have sufficient compliance personnel necessary to assure a "fully effective" enforcement effort. The Assistant Secretary of Labor for Occupational Safety and Health (the Assistant Secretary) was directed to establish "fully effective" compliance staffing levels, or benchmarks, for each State plan.

In 1980 OSHA submitted a *Report to the Court* containing these benchmarks and requiring Michigan to allocate 141 safety and 225 health compliance personnel to conduct inspections under the plan. Attainment of the 1980 benchmark levels or subsequent