

### III. Regulatory Analysis

#### *Regulatory Flexibility Act*

The Regulatory Flexibility Act applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b).<sup>6</sup> Because the OCC was not required to publish, and did not publish, a general notice of proposed rulemaking,<sup>7</sup> the Regulatory Flexibility Act does not apply to this final rule.

#### *Unfunded Mandates Reform Act of 1995*

Section 202 of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-04 (Unfunded Mandates Act) requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. The OCC has determined that the final rule will not result in expenditures by State, local, or tribal governments or by the private sector of \$100 million or more. Accordingly, the OCC has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

#### **Executive Order 12866**

The OCC has determined that this final rule does not constitute a "significant regulatory action" for the purposes of Executive Order 12866.

#### **Paperwork Reduction Act**

The OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

This final rule adopts changes from the interim rule which, in § 5.2(d), permits the electronic filing of applications that contain collection of information requirements. These requirements are found in sections of 12 CFR part 5, Rules, Policies, and Procedures for Corporate Activities, such as §§ 5.30 (Establishment, acquisition, and relocation of a branch)

and 5.40 (Change in location of main office). As part of the Manual, these collections of information have been reviewed and approved by the OMB in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) under OMB Control Number 1557-0014.

#### **Effective Date**

Subject to certain exceptions, 12 U.S.C. 4802(b)(1) provides that new regulations and amendments to regulations prescribed by a Federal banking agency that impose additional reporting, disclosure, or other new requirements on an insured depository institution must take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form. As we described in the preamble to the interim rule, the interim rule imposed no additional reporting, disclosure, or other new requirements on insured depository institutions. For that reason, we concluded that 12 U.S.C. 4802(b)(1) did not apply to the interim rule. That reasoning also applies to the final rule, which is identical to the interim rule. Accordingly, we conclude that the delayed effective date requirement of 12 U.S.C. 4802(b)(1) does not apply to the final rule.

#### **List of Subjects in Part 5**

Administrative practice and procedure, National banks, Reporting and recordkeeping requirements, Securities.

#### **PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES**

■ Accordingly, the interim rule amending 12 CFR part 5 which was published at 68 FR 17890 on April 14, 2003, is adopted as a final rule without change.

Dated: December 23, 2003.

**John D. Hawke, Jr.,**

*Comptroller of the Currency.*

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### DEPARTMENT OF TRANSPORTATION

#### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. 2003-NE-58-AD; Amendment 39-13402; AD 2003-26-05]

**RIN 2120-AA64**

#### **Airworthiness Directives; General Electric Company CF34-8C1 Series and CF34-8C5 Series Turbofan Engines**

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

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

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for General Electric Company (GE) CF34-8C1 series and CF34-8C5 series turbofan engines, with certain serial number (SN) master variable geometry (VG) actuators installed. This AD requires initial and repetitive reviews of the airplane Maintenance Data Computer (MDC) for master VG actuator fault messages, and if the MDC is inoperative, reviews of the Engine Indication and Crew Alerting System (EICAS) for fault messages. This AD also requires replacement of actuators reported faulty by the Full Authority Digital Engine Control (FADEC). This AD results from nine reports of master VG actuator electrical signal faults, one report of which was a dual-channel fault, resulting in the FADEC commanding the engine power to idle. We are issuing this AD to prevent VG master actuator dual-channel electrical signal faults:

- Which will cause an uncommanded reduction of thrust to idle with a subsequent loss of the ability to advance thrust above idle; and

- Could result in a multi-engine loss of thrust if dual-channel faults occur on more than one engine simultaneously.

**DATES:** This AD becomes effective January 20, 2004. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of January 20, 2004.

We must receive any comments on this AD by March 2, 2004.

**ADDRESSES:** Use one of the following addresses to submit comments on this AD:

- By mail: The Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003-NE-58-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

- By fax: (781) 238-7055.

<sup>6</sup> See 5 U.S.C. 601(2).

<sup>7</sup> See 5 U.S.C. 553(b)(A) (Administrative Procedure Act (APA) provision excepting from the notice and comment requirement "rules of agency organization, procedure, or practice"); 68 FR 17891-92 (discussion of applicability of section 553(b)(A) to the interim rule).