

before the Board in consideration of this proposal.

One commenter suggested that credit unions and their investors with existing secondary capital account agreements should be able to voluntarily modify those agreements to alter the manner in which interest accrued in the future is treated. NCUA does not object to this so long as the secondary capital agreements are properly amended and it only applies to future interest to be accrued and not to interest already paid into the secondary capital account.

Two commenters stated that the disclosures and acknowledgment required in the Appendix to § 701.34 should be modified. Specifically, they suggested including language that would indicate which method of paying accrued interest has been agreed to by the LICU and its investor. We agree and have incorporated this suggestion into the Appendix to § 701.34.

One commenter stated that an investor should have the option of having interest payments directed to accounts outside of the LICU if it wishes. The proposed rule permits interest payments to be directed to a separate account from which an investor may make withdrawals. NCUA intends for this option to include accounts outside of the LICU.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact any regulation may have on a substantial number of small credit unions, meaning those under \$1 million in assets.

The NCUA has determined and certifies that this rule will not have a significant economic impact on a substantial number of small credit unions. The reason for this determination is that the amendments to § 701.34 only clarify the permissible alternatives LICUs have in disposing of accrued interest on secondary capital accounts. The amendments provide LICUs with additional flexibility without imposing any costs or significant regulatory requirements. Accordingly, the NCUA has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

NCUA has determined that the amendments to § 701.34 do not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

Executive Order 12612

Executive Order 12612 requires NCUA to consider the effect of its actions on state interests. It states that: "Federal action limiting the policy-making discretion of the states should be taken only where constitutional authority for the action is clear and certain, and the national activity is necessitated by the presence of a problem of national scope." This rule will not have a direct effect 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. NCUA has determined that this rule does not constitute a significant regulatory action for purposes of the executive order.

List of Subjects in 12 CFR Part 701

Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on December 16, 1999.

Becky Baker,

Secretary of the Board.

For the reasons set forth above 12 CFR part 701 is amended as follows:

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, and 1789. Section 701.6 is also authorized by 31 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*, 42 U.S.C. 1861 and 42 U.S.C. 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

2. Section 701.34 is amended by revising paragraph (b)(7) to read as follows:

§ 701.34 Designation of low-income status; receipt of secondary capital accounts by low-income designated credit unions.

* * * * *

(b) * * *

(7) Funds deposited into the secondary capital account, including interest accrued and paid into the secondary capital account, must be available to cover operating losses realized by the credit union that exceed its net available reserves and undivided earnings (*i.e.*, reserves and undivided earnings exclusive of allowance accounts for loan losses), and to the extent funds are so used, the credit union shall under no circumstances restore or replenish the account. The

credit union may, in lieu of paying interest into the secondary capital account, pay interest accrued on the secondary capital account directly to the investor or into a separate account from which the secondary capital investor may make withdrawals. Losses shall be distributed pro-rata among all secondary capital accounts held by the credit union at the time the losses are realized.

* * * * *

3. The Appendix to § 701.34 is amended by revising the second paragraph of the next to last bulleted section and adding a third paragraph to that section to read as follows:

Appendix to § 701.34

* * * * *

The funds committed to the secondary capital account and any interest paid into the account may be used by _____ (name of credit union) to cover any and all operating losses that exceed the credit union's reserves and undivided earnings exclusive of allowance accounts for loan losses, and in the event the funds are so used _____ (name of credit union) will under no circumstances restore or replenish those funds to _____ (name of institutional investor).

By initialing below, _____ (name of credit union) _____ and (name of institutional investor) agree that accrued interest will be:

_____ paid into and become part of the secondary capital account;
_____ paid directly to the investor;
_____ paid into a separate account from which the investor may make withdrawals; or
_____ any combination of the above provided the details are specified and agreed to in writing.

* * * * *

[FR Doc. 99–33274 Filed 12–23–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–05–AD; Amendment 39–11428; AD 99–24–04 C1]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects information in an existing airworthiness directive (AD) that applies to certain McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88

airplanes. That AD currently requires a one-time visual inspection to determine whether self-aligning nuts are installed at certain locations of the aft pressure bulkhead tee; and corrective actions, if necessary. This document corrects a typographical error in a service bulletin reference. This correction is necessary to ensure that the appropriate service information is used to accomplish the AD.

DATES: Effective December 27, 1999.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of December 27, 1999. (64 FR 63187, November 19, 1999).

FOR FURTHER INFORMATION CONTACT: Carl Fountain, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5222; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: Airworthiness Directive (AD) 99-24-04, amendment 39-11428, applicable to certain McDonnell Douglas Model DC-9-80 series airplanes and Model MD-88 airplanes, was published in the **Federal Register** on November 19, 1999 (64 FR 63187). That AD requires a one-time visual inspection to determine whether self-aligning nuts are installed at certain locations of the aft pressure bulkhead tee; and corrective actions, if necessary. That AD was prompted by reports of failures of certain Hi-Lok pin fasteners of the aft pressure bulkhead tee due to installation of non-self-aligning nuts. The actions required by that AD are intended to prevent failure of certain Hi-Lok pin fasteners and subsequent gouging of the aft pressure bulkhead tee, which could result in fatigue cracking and reduced structural integrity of the airplane.

Need for the Correction

Information obtained recently by the FAA indicates that paragraph (a) of AD 99-24-04 contains a typographical error. That paragraph references "McDonnell Douglas Service Bulletin MD80-53-201, Revision 02, dated July 20, 1998, as revised by Information Notice MD90-53-201 R02, dated October 21, 1998," as the appropriate source of service information for accomplishment of the general visual inspection required by paragraph (a) of the AD.

The FAA has determined that a correction to paragraph (a) of AD 99-24-04 is necessary. The correction will reference the appropriate Information

Notice as " * * * Information Notice MD80-53-201 * * *".

Correction of Publication

This document corrects the error and correctly adds the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The AD is reprinted in its entirety for the convenience of affected operators. The effective date of the AD remains December 27, 1999.

Since this action only a typographical error, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subject in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Correction

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 [Corrected]

2. Section 39.13 is amended by correctly adding the following airworthiness directive (AD):

99-24-04 C1 McDonnell Douglas:

Amendment 39-11428. Docket 99-NM-05-AD.

Applicability: Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) series airplanes, and Model MD-88 airplanes; as listed in McDonnell Douglas Service Bulletin MD80-53-201, Revision 02, dated July 20, 1998; certificated in any category.

Note 1: This AD applies to each airplane 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 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 (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 failure of certain Hi-Lok pin fasteners and subsequent gouging of the aft pressure bulkhead tee, which could result in fatigue cracking and reduced structural integrity of the airplane, accomplish the following:

Inspection

(a) Within 48 months after the effective date of this AD, perform a one-time general visual inspection to determine whether self-aligning nuts are installed at certain locations of the aft pressure bulkhead tee, in accordance with McDonnell Douglas Service Bulletin MD80-53-201, Revision 02, dated July 20, 1998, as revised by Information Notice MD80-53-201 R02, dated October 21, 1998.

Note 2: For the purposes of this AD, a general visual inspection is defined as "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

(1) If all nuts installed are self-aligning, no further action is required by this AD.

(2) If any nut is determined to be non-self-aligning, prior to further flight, remove the existing nut and perform a one-time visual inspection to detect gouges in the aft pressure bulkhead tee on station Y=1338.000 and longeron end fitting, as applicable, in accordance with the service bulletin.

(i) If no gouge is detected, prior to further flight, install new self-aligning nuts in accordance with the service bulletin.

(ii) If any gouge is detected that is within the repair limits specified in the service bulletin, prior to further flight, repair the gouge and install new self-aligning nuts in accordance with the service bulletin.

(iii) If any gouge is detected that is outside the repair limits specified in the service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note 3: Inspections, and repair of the aft pressure bulkhead tee longeron end fittings prior to the effective date of this AD, in accordance with McDonnell Douglas Service Bulletin MD80-53-201, dated July 6, 1988, or Revision 1, dated March 22, 1991, are considered acceptable for compliance with the actions required by paragraph (a) of this AD.

Alternative Methods of Compliance

(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, Los Angeles ACO. 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 4: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

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

Incorporation by Reference

(d) Except as provided by paragraph (a)(2)(iii) of this AD, the actions shall be done in accordance with McDonnell Douglas Service Bulletin MD80-53-201, Revision 02, dated July 20, 1998. This incorporation by reference was approved previously by the Director of the Federal Register as of December 27, 1999 (64 FR 63187, November 19, 1999). Copies may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. 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 90712; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) The effective date of this amendment remains December 27, 1999.

Issued in Renton, Washington, on December 20, 1999.

D.L. Riffin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-33444 Filed 12-23-99; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 98F-1201]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, compd. with 1,1',1''-nitrotris[2-propanol] (1:1) (CAS Reg. No. 221281-21-6) as a pigment dispersant. This action is in response to a petition filed by GEO Specialty Chemicals.

DATES: This rule is effective December 27, 1999; written objections and

requests for a hearing by January 26, 2000.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Ellen M. Waldron, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3089.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of December 28, 1998 (63 FR 71492), FDA announced that a food additive petition (FAP 9B4636) had been filed by GEO Specialty Chemicals, c/o Keller and Heckman LLP, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposed to amend the food additive regulations in § 178.3725 *Pigment dispersants* (21 CFR 178.3725) to provide for the safe use of the salt of dimethylolpropionic acid and triisopropanolamine as a dispersant for pigments intended for food-contact applications. Since the filing notice published, the Chemical Abstracts Service (CAS) Registry number and nomenclature, which is propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, compd. with 1,1',1''-nitrotris[2-propanol] (1:1) (CAS Reg. No. 221281-21-6), was provided for the additive, and the agency has determined that the additive should be listed using this nomenclature.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that: (1) The proposed use of the additive is safe, (2) the additive will achieve its intended technical effect, and therefore, (3) the regulations in § 178.3725 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for FAP 9B4636 (63 FR 71492). No new information or comments have been received that would affect the agency's

previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time on or before January 26, 2000, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging. Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 178.3725 is amended in the table by alphabetically adding an entry under the headings "Substances" and "Limitations" to read as follows:

§ 178.3725 Pigment dispersants.

* * * * *