

§ 703.1 [Amended]

- 2. Amend § 703.1 as follows:
  - a. In paragraph (b)(5) by removing the word “or”;
  - b. In paragraph (b)(6) by removing the period at the end of the paragraph and adding “; or” in its place; and
  - c. By adding paragraph (b)(7).
- The addition reads as follows:

§ 703.1 Purpose and scope.

\* \* \* \* \*

(b) \* \* \*

(7) Funding a Charitable Donation Account pursuant to § 721.3(b) of this chapter.

\* \* \* \* \*

PART 721—INCIDENTAL POWERS

- 3. The authority citation for part 721 continues to read as follows:
- Authority:** 12 U.S.C. 1757(17), 1766, 1789.
- 4. In § 721.3, redesignate paragraph (b) as paragraph (b)(1) and add paragraph (b)(2) to read as follows:

§ 721.3 What categories of activities are preapproved as incidental powers necessary or requisite to carry on a credit union’s business?

\* \* \* \* \*

(b) \* \* \*

(2) *Charitable Donation Accounts.* A charitable income account (“CDA”) is a hybrid charitable and investment vehicle, satisfying the conditions in paragraphs (b)(2)(i) through (vii) of this section, that you may fund as a means to provide charitable contributions and donations to qualified charities. If you fund a CDA that satisfies all of the following conditions, then you may do so free from the investment limitations of the Federal Credit Union Act and part 703 of this chapter:

- (i) *Maximum aggregate funding.* The book value of your investments in all CDAs, in the aggregate, as carried on your statement of financial condition prepared in accordance with GAAP, must be limited to 3 percent of your net worth at all times for the duration of the accounts, as measured at least every quarterly call report cycle. This means that regardless of how many CDAs you invest in, the combined book value of all such investments must not exceed 3 percent of your net worth. You must bring your aggregate accounts into compliance with the maximum aggregate funding limit within 30 days of any breach of this limit.
- (ii) *Segregated account.* The assets of a CDA must be held in a segregated custodial account or special purpose entity and must be specifically identified as a CDA;
- (iii) *Regulatory oversight.* If you choose to establish a CDA using a trust

vehicle, the trustee must be regulated by the Office of the Comptroller of the Currency, the U.S. Securities and Exchange Commission (“SEC”) or another federal regulatory agency. A regulated trustee or other person or entity that is authorized to make investment decisions for a CDA (“manager”), other than the credit union itself, must be a Registered Investment Advisor.

(iv) *Account documentation and other written requirements.* The parties to the CDA, typically the funding credit union and trustee or other manager of the account, must document the terms and conditions controlling the account in a written trust agreement or other similar instrument. The terms of the agreement must be consistent with this section. Your board of directors must adopt written policies addressing this funding activity that are consistent with this section, must review the policies annually, and may amend them from time to time.

(A) Your CDA agreement and policies must at a minimum:

- (1) Provide that the CDA will make charitable contributions and donations only to charities you name therein that are exempt from taxation under section 501(c)(3) of the Internal Revenue Code;
- (2) Document the investment strategies and risk tolerances the CDA trustee or other manager must follow in administering the account;
- (3) Provide that you will account for all aspects of the CDA, including distributions to charities and liquidation of the account, in accordance with generally accepted accounting principles; and (4) indicate the frequency with which the trustee or manager of the CDA will make distributions to qualified charities as provided in paragraph (b)(2)(v) of this section;

(B) [Reserved]

(v) *Minimum distribution to charities.* You are required to distribute to one or more qualified charities, no less frequently than every 5 years, or upon termination of a CDA in less than 5 years, a minimum of 51 percent of the account’s total return on assets over the period of up to 5 years. You may choose how frequently distributions will be made during each period of up to 5 years. For example, you may choose to make periodic distributions over a period of up to 5 years, or a single distribution at the end of that period. You may choose to donate in excess of the minimum distribution frequency and amount;

(vi) *Liquidation of assets upon CDA termination.* Upon termination of the CDA, you may receive a distribution of

the remaining account assets in cash or you may receive a distribution in kind of the remaining account assets but only if those assets are permissible investments for federal credit unions under the Federal Credit Union Act and part 703 of this chapter; and

(vii) *Definitions.* For purposes of this section, the following definitions apply:

(A) *Distribution in kind* is your acceptance of remaining CDA assets, upon termination of the account, in their original form instead of in cash resulting from the liquidation of the assets.

(B) *Qualified charity* is a charitable organization or other non-profit entity recognized as exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

(C) *Registered Investment Advisor* is an investment advisor registered with the SEC pursuant to the Investment Advisers Act of 1940.

(D) *Total return* is the actual rate of return on all investments in a CDA over a given period of up to 5 years, including realized interest, capital gains, dividends, and distributions.

\* \* \* \* \*

[FR Doc. 2013–22734 Filed 9–18–13; 8:45 am]  
BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0789; Directorate Identifier 2013–NM–127–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to supersede airworthiness directive (AD) 2012–12–08, which applies to certain The Boeing Company Model 777–200 and –300 series airplanes. AD 2012–12–08 requires an inspection for the part number of the fuse pin, and replacement of the pin if necessary. Since we issued AD 2012–12–08, we have determined that additional airplanes may be subject to the identified unsafe condition. This proposed AD would retain the actions required by AD 2012–12–08 and add airplanes to the applicability. We are proposing this AD to prevent structural damage to the side and drag brace lock assemblies, which could result in

landing gear collapse during touchdown, rollout, or taxi.

**DATES:** We must receive comments on this proposed AD by November 4, 2013.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, WA 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; Internet <https://www.myboeingfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

**Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Melanie Violette, Aerospace Engineer,

Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: 425-917-6422; fax: 425-917-6590; email: [melanie.violette@faa.gov](mailto:melanie.violette@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2013-0789; Directorate Identifier 2013-NM-127-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

**Discussion**

On June 7, 2012, we issued AD 2012-12-08, Amendment 39-17088 (77 FR 37781, June 25, 2012) (“AD 2012-12-08”), for certain The Boeing Company Model 777-200 and -300 series airplanes. (A correction of AD 2012-12-08 was published in the **Federal Register** on July 20, 2012 (77 FR 42625)). AD 2012-12-08 requires an inspection for the part number of the fuse pin, and replacement of the pin if necessary. AD 2012-12-08 resulted from reports of cracked retract actuator fuse pins that could fail earlier than the previously determined safe life limit of the pins. A fractured retract actuator fuse pin can cause the main landing gear (MLG) to extend without restriction and attempt to lock into position under high dynamic loads. We issued AD 2012-12-08 to prevent structural

damage to the side and drag brace lock assemblies, which could result in landing gear collapse during touchdown, rollout, or taxi.

**Actions Since AD 2012-12-08 Was Issued**

Since we issued AD 2012-12-08, it was discovered that an interchangeability error in the Boeing 777 Illustrated Parts Catalog (IPC) permitted replacing the new pin (-3) with the old pin (-1). Therefore, we have determined that additional airplanes may be subject to the identified unsafe condition.

**Relevant Service Information**

We reviewed Boeing Special Attention Service Bulletin 777-32-0083, Revision 2, dated May 2, 2013. For information on the procedures and compliance times, see this service information at <http://www.regulations.gov> by searching for Docket No. FAA-2013-0789.

**FAA’s Determination**

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

**Proposed AD Requirements**

Although this proposed AD does not explicitly restate the requirements of AD 2012-12-08, this proposed AD would retain all requirements of AD 2012-12-08. Those requirements are referenced in the service information identified previously, which, in turn, is referenced in paragraph (g) of this proposed AD. This proposed AD would add airplanes to the applicability statement of AD 2012-12-08.

**Costs of Compliance**

We estimate that this proposed AD affects 129 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

**ESTIMATED COSTS**

| Action           | Labor cost                                 | Parts cost | Cost per product | Cost on U.S. operators |
|------------------|--|------------|------------------|------------------------|
| Inspection ..... | 5 work-hours × \$85 per hour = \$425 ..... | \$0        | \$425            | \$54,825               |

We estimate the following costs to do any necessary replacements that would

be required based on the results of the proposed inspection. We have no way of

determining the number of aircraft that might need these replacements:

ON-CONDITION COSTS

| Action                | Labor cost                                     | Parts cost          | Cost per product |
|-----------------------|--|---------------------|------------------|
| Pin Replacement ..... | 1 work-hour × \$85 per hour =<br>\$85 per pin. | \$700 per pin ..... | \$785 per pin.   |

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial 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.

For the reasons discussed above, I certify that the proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 39**

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

**The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator,

the FAA proposes to amend 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. The FAA amends § 39.13 by removing airworthiness directive (AD) 2012–12–08, Amendment 39–17088 (77 FR 37781, June 25, 2012; corrected July 20, 2012 (77 FR 42625)), and adding the following new AD:

**The Boeing Company:** Docket No. FAA–2013–0789; Directorate Identifier 2013–NM–127–AD.

**(a) Comments Due Date**

The FAA must receive comments on this AD action by November 4, 2013.

**(b) Affected ADs**

This AD supersedes AD 2012–12–08, Amendment 39–17088 (77 FR 37781, June 25, 2012; corrected July 20, 2012 (77 FR 42625)).

**(c) Applicability**

This AD applies to The Boeing Company Model 777–200 and –300 series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 777–32–0083, Revision 2, dated May 2, 2013.

**(d) Subject**

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 32, Landing Gear.

**(e) Unsafe Condition**

This AD was prompted by a determination that additional airplanes may be subject to the identified unsafe condition. We are issuing this AD to prevent structural damage to the side and drag brace lock assemblies, which could result in landing gear collapse during touchdown, rollout, or taxi.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Part Number Inspection and Replacement**

Except as required by paragraph (h) of this AD, at the applicable time specified in paragraph 1.E., “Compliance,” of Boeing Special Attention Service Bulletin 777–32–0083, Revision 2, dated May 2, 2013: Inspect the retract actuator fuse pin to determine the part number, and replace any retract actuator fuse pin having part number 112W1769–1, in

accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–32–0083, Revision 2, dated May 2, 2013. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the retract actuator fuse pin can be conclusively determined from that review. Do all applicable replacements at the applicable time specified in paragraph 1.E., “Compliance,” of Boeing Special Attention Service Bulletin 777–32–0083, Revision 2, dated May 2, 2013.

**(h) Exception to Service Information Specifications**

Where Boeing Special Attention Service Bulletin 777–32–0083, Revision 2, dated May 2, 2013, specifies a compliance time “after the Revision 2 date of this service bulletin,” this AD requires compliance within the specified compliance time after the effective date of this AD.

**(i) Parts Installation Prohibition**

(1) For airplanes identified in Group 1 of Boeing Special Attention Service Bulletin 777–32–0083, Revision 2, dated May 2, 2013: As of July 30, 2012 (the effective date of AD 2012–12–08, Amendment 39–17088 (77 FR 37781, June 25, 2012; corrected July 20, 2012 (77 FR 42625))), no person may install a retract actuator fuse pin having part number 112W1769–1 on any airplane.

(2) For airplanes identified in Group 2 of Boeing Special Attention Service Bulletin 777–32–0083, Revision 2, dated May 2, 2013: As of the effective date of this AD, no person may install a retract actuator fuse pin having part number 112W1769–1 on any airplane.

**(j) Credit for Previous Actions**

(1) This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of AD 2012–12–08, Amendment 39–17088 (77 FR 37781, June 25, 2012; corrected July 20, 2012 (77 FR 42625)) using Boeing Special Attention Service Bulletin 777–32–0083, dated February 5, 2009, which is not incorporated by reference in this AD.

(2) This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Special Attention Service Bulletin 777–32–0083, Revision 1, dated February 17, 2011, which is not incorporated by reference in this AD.

**(k) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector

or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: [9-ANM-Seattle-ACO-AMOC-Requests@faa.gov](mailto:9-ANM-Seattle-ACO-AMOC-Requests@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

#### (I) Related Information

(1) For more information about this AD, contact Melanie Violette, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: 425-917-6422; fax: 425-917-6590; email: [melanie.violette@faa.gov](mailto:melanie.violette@faa.gov).

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H-65, Seattle, WA 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; Internet <https://www.myboeingfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on September 13, 2013.

**Jeffrey E. Duven,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2013-22784 Filed 9-18-13; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2013-0749; Airspace Docket No. 13-ASW-16]

#### Proposed Amendment of Class D Airspace; Dallas, Addison Airport, TX

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

**ACTION:** Notice of proposed rulemaking (NPRM), withdrawal.

**SUMMARY:** A NPRM published in the *Federal Register* of September 6, 2013, to amend the Class D airspace ceiling at Addison Airport, Dallas, TX, is being

withdrawn. Upon review, the FAA determined that the proposed rulemaking action is premature in that an existing Dallas/Fort Worth Class B airspace rulemaking action is pending.

**DATES:** As of September 19, 2013, the proposed rule published September 6, 2013, at 78 FR 54795, is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: 817-321-7716.

#### SUPPLEMENTARY INFORMATION:

##### History

On September 6, 2013, a NPRM was published in the *Federal Register* proposing to amend the Addison Airport Class D airspace ceiling (78 FR 54795). Subsequent to that publication, the FAA found that references addressing changes or adjustments to air traffic flows in the Dallas-Fort Worth metropolitan area are in error and that the proposed action is premature in that a Dallas/Fort Worth Class B airspace rulemaking action is pending. Upon completion of the Dallas/Fort Worth Class B airspace rulemaking action, the FAA will reconsider future action to modify Addison Airport Class D airspace, if warranted.

##### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

##### The Withdrawal

Accordingly, pursuant to the authority delegated to me, the Notice of Proposed Rulemaking, as published in the *Federal Register* on September 6, 2013 (78 FR 54795) (FR Doc. 2013-21751), is hereby withdrawn.

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

Issued in Fort Worth, TX, on September 11, 2013.

**David P. Medina,**

*Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2013-22852 Filed 9-18-13; 8:45 am]

**BILLING CODE 4901-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

Docket No. FAA-2013-0659; Airspace Docket No. 13-AWP-12

#### Proposed Establishment of Class D Airspace and Class E Airspace; Laguna AAF, AZ

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Class D airspace and Class E airspace at Laguna Army Air Field (AAF), (Yuma Proving Ground), Yuma, AZ. The establishment of an air traffic control tower has made this action necessary for the safety and management of Instrument Flight Rules (IFR) aircraft within this airspace.

**DATES:** Comments must be received on or before November 4, 2013.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-9826. You must identify FAA Docket No. FAA-2013-0659; Airspace Docket No. 13-AWP-12, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203-4537.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2013-0659 and Airspace Docket No. 13-AWP-12) and be submitted in triplicate to the Docket Management System (see