

editorial errors. These errors are corrected as set forth below.

**FOR FURTHER INFORMATION CONTACT:** Peter A. Greenlee (202) 588-8507

On page 49725, the last line of the second full paragraph of the first column should read, "modification to the service water heating criteria of ANSI/ASHRAE/IES Standard 90A-1980 was developed during that period." page 49731, in the twelfth line as continued to the thirteenth line of the third paragraph of the first column [Ruegg 1988] should be replaced with [Lippiatt and Ruegg 1988]; page 49732, the second line of the second column "¾ in. should be replaced with "1 in." page 49732, line 15 as continued to line 16 of the second full paragraph "[ASHRAE 1985]" should be replaced with "[ASHRAE 1987]" page 49732, line eight of the third paragraph of the second column "¾ in. should be replaced with "1 in." page 49734, in lines five and six of the fourth paragraph of the first column the figures "\$38.94" and "\$49.01" should be replaced with the figures "\$39.61" and "\$52.33" respectively; page 49734, the second full paragraph of text in the second column "The oil heater analyzed was. " should be replaced with, "The oil-fired water heater analyzed was similar in geometry to a commercially available model manufactured by A.O. Smith—6 in. flue, 23.75 in. wide tank, 47.9 in. high tank (A.O. Smith 1988)"

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

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## FEDERAL RESERVE SYSTEM

### 12 CFR Part 226

[Reg. Z; Doc. No. R-0672]

#### Truth in Lending; Determination of Effect on State Law (Wisconsin)

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Preemption determination.

**SUMMARY:** The Board is publishing in final form a determination that certain provisions in the law of Wisconsin dealing with disclosures and adjustment notices for variable-rate transactions are not inconsistent with the Truth in Lending Act and Regulation Z, and are therefore not preempted by federal law.

**FOR FURTHER INFORMATION CONTACT:** Sharon Bowman or Mary Jane Seebach, Staff Attorneys, Division of Consumer and Community Affairs, at (202) 452-3667 For the hearing impaired only,

contact Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf (TDD), at (202) 452-3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

**SUPPLEMENTARY INFORMATION:** (1) *General.* Section 111(a)(1) of the Truth in Lending Act authorizes the Board to determine whether any inconsistency exists between chapters 1, 2, and 3 of the federal act or the implementing provisions of the regulation and any state law relating to the disclosure of information in connection with consumer credit transactions. Preemption determinations are issued under authority delegated to the Director of the Division of Consumer and Community Affairs, as set forth in the Board's Rules Regarding Delegation of Authority (12 CFR 265.2(h)(3)).

(2) *Discussion of specific request and final determination.* The Board was asked to determine whether specific provisions of the Wisconsin Statutes requiring disclosures and adjustment notices for certain variable-rate transactions are inconsistent with amendments to Regulation Z (12 CFR 226.18(f)(1), 226.19(b)(2), and 226.20(c)) which regulate disclosure of closed-end variable-rate transactions. The requesting party asked whether Wisconsin Statutes § 138.056(4) and (6) requiring creditors to provide consumers with notice of a change in the interest rate and disclosures, respectively, in the case of certain variable-rate transactions are preempted by § 226.18(f)(1), and 226.19(b) and 226.20(c). The requesting party also questioned whether Wisconsin Statutes § 422.421(5) is preempted by § 226.20(c).

The Board published a proposed determination on August 4, 1989 (54 FR 32089). The Board proposed a determination that the Wisconsin provisions dealing with disclosures and adjustment notices are not inconsistent with the federal law or regulation. One comment letter was received which opposed the determination on the basis that the Board had not balanced its decision by weighing the "informed use of credit" by consumers against the cost to creditors of establishing specific procedures for transactions in Wisconsin. After careful review of the issue, and for the reasons discussed below, the Board has determined these Wisconsin provisions are not inconsistent with the federal law and therefore preemption is not appropriate.

The Board concluded that certain substantive and timing requirements of Wisconsin's variable-rate provisions do

not contradict federal requirements since a creditor can comply with both sets of requirements without violating either the state or federal law. (See the notice of proposed preemption determination for further detail on the sections reviewed by the Board.) In certain circumstances, the state law required additional or different information from the required by the federal law. Generally, state law requirements that call for the disclosure of information not covered by the federal law, or that require more detailed disclosure, do not contradict the federal requirements.

In general, the state and the federal disclosures can be combined. Certain disclosures, however, are required by § 226.17(a) to be segregated from other information although they may all appear on the same page. In addition, creditors should note that if the state and federal disclosures are combined, the timing requirements of Regulation Z will be controlling.

This notice does not contain an effective date since the Board has determined there is no preemption of state law. A concern was raised about delaying the effective date of this determination to allow creditors to change their uniform procedures, forms and computer systems to comply with both the federal and state disclosures. The commentary to Regulation Z provides that creditors may independently apply the Board's preemption standards to a state law and, if they conclude that the state law is inconsistent with federal law, choose not to give the state-required disclosures. (See comment 28(a)-4.) However, the commentary further notes that nothing in § 226.28(a) provides the creditor with immunity for violations of state law if the creditor chooses not to make state disclosures and the Board later determines that the state law is not preempted. Accordingly, the Board has not delayed the effective date of this determination.

After careful review of the Wisconsin sections discussed above, the Board has determined the state law is not inconsistent with the Truth in Lending Act and Regulation Z, and therefore not preempted.

#### List of Subjects in 12 CFR Part 226

Advertising; Banks; Banking; Consumer protection; Credit; Federal Reserve System; Finance; Penalties; Truth in Lending.

Board of Governors of the Federal Reserve System, November 30, 1989.

William W. Wiles,

Secretary of the Board.

[FR Doc. 89-28446 Filed 12-5-89; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 89-NM-135-AD; Amdt. 39-6414]

#### Airworthiness Directives; Aerospatiale Model ATR42 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Aerospatiale Model ATR42 series airplanes, which requires modification or replacement of certain fuselage and wing structural components. This amendment is prompted by reports of cracking discovered during full-scale fatigue testing of the Model ATR42 airframe. This condition, if not corrected, could result in structural failure of the fuselage or wing.

**EFFECTIVE DATE:** January 12, 1990.

**ADDRESSES:** The applicable service information may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert McCracken, Standardization Branch, ANM-113; telephone (206) 431-1979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to all Aerospatiale Model ATR-42 series airplanes, which requires modification or replacement of certain fuselage and wing structural components, was published in the Federal Register on August 22, 1989 (54 FR 34778).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due

consideration has been given to the single comment received.

The commenter, Aerospatiale, recommended that the applicability of paragraph G. be amended to read "for airplane Serial Numbers 003 to 152, since Modification 1931 has been introduced on airplanes with Serial Number 152. The FAA does not concur. Paragraph G., which currently applies to airplanes "Serial Numbers 003 through 151, appropriately covers all airplanes requiring this modification.

Since the issuance of the Notice, Aerospatiale has issued Service Bulletin ATR42-53-0004, Revision 4, dated July 25, 1989, and Service Bulletin ATR42-57-0027 Revision 2, dated July 6, 1989, which clarify and update the procedures to reinforce the fuselage center section and center wing box. Paragraphs D. and G. of the final rule have been revised to reflect the latest revision to these service bulletins.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed, with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

It is estimated that 50 airplanes of U.S. registry will be affected by this AD. The entire cost of the modifications and replacements required by this AD would be borne by the manufacturer; therefore, there is no cost impact on U.S. operators.

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.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) 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. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

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

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

#### PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### §39.13 [Amended]

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

**Aerospatiale:** Applies to Model ATR42 series airplanes, certificated in any category. Compliance is required prior to the accumulation of 10,000 landings, or within the next 300 landings after the effective date of this AD, whichever occurs later, unless previously accomplished.

To prevent failure of structural components of the fuselage and wing, accomplish the following:

A. For airplane Serial Numbers 003 through 151: Reinforce fuselage frame 28, in accordance with Aerospatiale Service Bulletin ATR42-53-0042, dated May 3, 1989.

B. For airplane Serial Numbers 003 through 032, 034, and 035: Reinforce the fuselage secondary frames, in accordance with Aerospatiale Service Bulletin ATR42-53-0023, Revision 2, dated May 25, 1989.

C. For airplane Serial Numbers 003 through 059: Perform a cold expansion of the outer wing lower skin attach fastener holes, in accordance with Aerospatiale Service Bulletin ATR42-57-0010, Revision 1, dated May 20, 1989.

D. For airplane Serial Numbers 003 through 071: Reinforce fuselage frames 24 and 28, in accordance with Aerospatiale Service Bulletin ATR42-53-0004, Revision 4, dated July 25, 1989.

E. For airplane Serial Numbers 003 through 084, 086, 087 and 089 through 093: Perform a cold expansion of attach holes and reinforce wing/fuselage junction fittings, in accordance with Aerospatiale Service Bulletin ATR42-53-0031, Revision 1, dated May 20, 1989.

F. For airplane Serial Numbers 003 through 119: Perform a cold expansion of the wing front and rear spar attach holes, in accordance with Aerospatiale Service Bulletin ATR42-57-0021, Revision 1, dated May 20, 1989.

G. For airplane Serial Numbers 003 through 151: Replace the wing center box, in accordance with Aerospatiale Service Bulletin ATR42-57-0027 Revision 2, dated July 6, 1989.

H. An alternate means of compliance or adjustment of the compliance time, which