

(c) *No prior notice required.*

If neither you nor your proposed capital distribution meet any of the criteria listed in paragraphs (a) and (b) of this section. Then you do not need to file a notice or an application with the OTS before making a capital distribution.

§ 563.144 How do I file with the OTS?

(a) *Contents.* Your notice or application must:

- (1) Be in narrative form.
- (2) Include all relevant information concerning the proposed capital distribution, including the amount, timing, and type of distribution.
- (3) Demonstrate compliance with § 563.146.

(b) *Schedules.* Your notice or application may include a schedule proposing capital distributions over a specified period, not to exceed 12 months.

(c) *Timing.* You must file your notice or application at least 30 days before the proposed declaration of dividend or approval of the proposed capital distribution by your board of directors.

§ 563.145 May I combine my notice or application with other notices or applications?

You may combine the notice or application required under § 563.143 with any other notice or application, if the capital distribution is a part of, or is proposed in connection with, another transaction requiring a notice or application under this chapter. If you submit a combined filing, you must:

- (a) State that the related notice or application is intended to serve as a notice or application under this subpart; and
- (b) Submit the notice or application in a timely manner.

§ 563.146 Will the OTS permit my capital distribution?

The OTS will review your notice or application under the review procedures in 12 CFR part 516, subpart A. The OTS may disapprove your notice or deny your application filed under § 563.143, in whole or in part, if the OTS makes any of the following determinations.

(a) You will be undercapitalized, significantly undercapitalized, or critically undercapitalized as set forth in § 565.4(b) of this chapter, following the capital distribution. If so, the OTS will determine if your capital distribution is permitted under 12 U.S.C. 1831o(d)(1)(B).

(b) Your proposed capital distribution raises safety or soundness concerns.

(c) Your proposed capital distribution violates a prohibition contained in any statute, regulation, agreement between

you and the OTS (or the Corporation), or a condition imposed on you in an OTS-approved application or notice. If so, the OTS will determine whether it may permit your capital distribution notwithstanding the prohibition or condition.

PART 563b—CONVERSIONS FROM MUTUAL TO STOCK FORM

4. The authority citation for part 563b continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 2901; 15 U.S.C. 78c, 78l, 78m, 78n, 78w.

§ 563b.3 [Amended]

5. Section 563b.3(g)(2) is amended by removing the phrase “§ 563.134”, and by adding in lieu thereof the phrase “§§ 563.140–563.146”.

Dated: January 8, 1999.

By the Office of Thrift Supervision.

Ellen Seidman,

Director.

[FR Doc. 99-1040 Filed 1-15-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-SW-24-AD; Amendment 39-10989; AD 98-12-30]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Helicopter Systems Model MD-900 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 98-12-30 which was sent previously to all known U.S. owners and operators of McDonnell Douglas Helicopter Systems (MDHS) Model MD-900 helicopters by individual letters. This AD requires inspecting the main rotor upper hub assembly (hub assembly) for cracks, and if a crack is found, replacing the hub assembly. The AD also requires verifying attachment nut torque values

and a repetitive inspection at intervals not to exceed 150 hours time-in-service. This amendment is prompted by the discovery of cracks in 6 main rotor upper hub assemblies. This condition, if not corrected, could result in failure of the hub assembly, loss of drive to the main rotor, and subsequent loss of control of the helicopter.

DATES: Effective February 3, 1999, to all persons except those persons to whom it was made immediately effective by priority letter AD 98-12-30, issued on June 4, 1998, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before March 22, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98-SW-24-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Greg DiLibero, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California 90712, telephone (562) 627-5231, fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: On June 4, 1998, the FAA issued priority letter AD 98-12-30, applicable to MDHS Model MD-900 helicopters, which requires inspecting the hub assembly, part number 900R2101006-101 or -103, for cracks, and if a crack is found, replacing the hub assembly. The AD also requires verifying attachment nut torque values and a repetitive inspection at intervals not to exceed 150 hours time-in-service. That action was prompted by the discovery of cracks in 6 hub assemblies. This condition, if not corrected, could result in failure of the hub assembly, loss of drive to the main rotor, and subsequent loss of control of the helicopter.

Since the unsafe condition described is likely to exist or develop on other MDHS Model MD-900 helicopters of the same type design, the FAA issued priority letter AD 98-12-30 to prevent failure of the hub assembly, loss of drive to the main rotor, and subsequent loss of control of the helicopter. The AD requires inspecting the hub assembly, part number 900R2101006-101 or -103, for cracks, and if a crack is found, replacing the hub assembly. The AD

also requires verifying attachment nut torque values and a repetitive inspection at intervals not to exceed 150 hours time-in-service. Due to the criticality of the hub assembly, the short compliance time is required. The previously described unsafe condition can adversely affect the controllability of the helicopter and this AD must be issued immediately.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on June 4, 1998 to all known U.S. owners and operators of MDHS Model MD-900 helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

The FAA estimates that 26 helicopters of U.S. registry will be affected by this AD, that it will take approximately 14 work hours per helicopter to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$21,610 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$583,700 to accomplish the required actions and replace the hub assemblies on all the fleet, if necessary.

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 rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98-SW-24-AD." 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 that it 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, 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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

AD 98-12-30 McDonnell Douglas

Helicopter Systems: Amendment 39-10989, Docket No. 98-SW-24-AD.

Applicability: Model MD-900 helicopters, with main rotor upper hub assembly (hub assembly), part number (P/N) 900R2101006-101 or -103, installed, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (f) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the hub assembly, loss of drive to the main rotor assembly, and subsequent loss of control of the helicopter, accomplish the following:

(a) For a hub assembly that has accumulated 300 or more hours time-in-service (TIS), accomplish the inspection procedures in paragraph (b) of this AD before further flight. For a hub assembly that has accumulated less than 300 hours TIS, accomplish the inspection procedures in paragraph (b) of this AD within the next 25 hours TIS.

(b) Inspect and reassemble the hub assembly as follows:

(1) If present, remove sealant from the drive plate attachment to the main rotor assembly.

(2) Using an indelible marker, number the main rotor drive plate attachment fastener torque sequence on the drive plate (Figure 1).

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1. MAIN ROTOR DRIVE PLATE ATTACHMENT
HARDWARE TORQUE SEQUENCE.
2. NUMBERING MAY START AT ANY HOLE.
3. TORQUE NUTS TO 1/2 TOTAL TORQUE,
THEN FULL TORQUE.

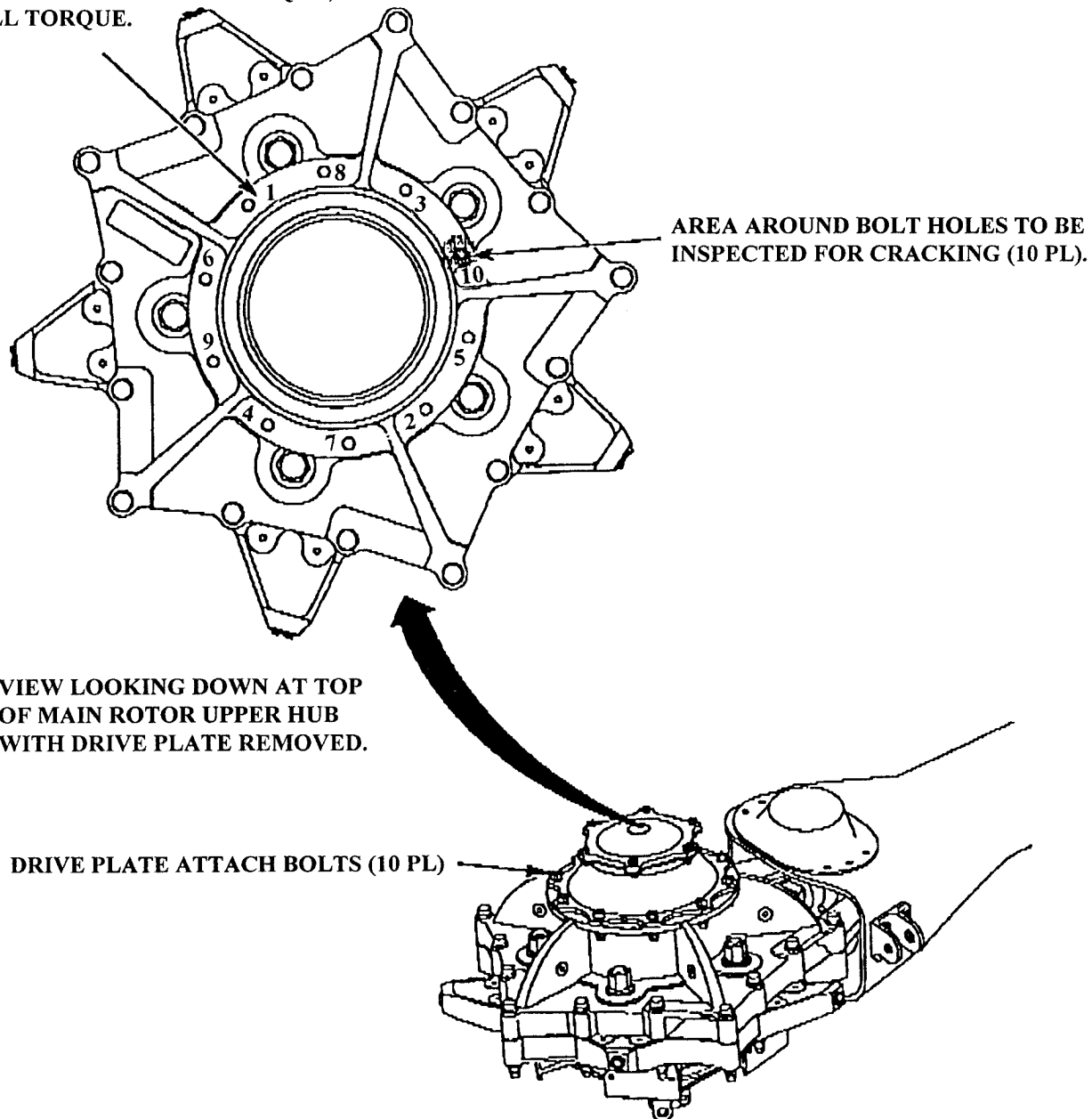


Figure 1. Main Rotor Upper Hub Assembly Inspection.

(3) Remove the main rotor drive plate assembly (drive plate assembly) and fretting buffer. Discard the 10 bolts and nuts and 20 washers.

(4) Using paint stripper (C313 or equivalent) and cleaning solvent (C420 or equivalent), remove the paint from the upper mating surface of the hub assembly to enable an accurate visual inspection of the drive plate attachment bolt hole (bolt hole) area for cracking (Figure 1). Ensure the paint stripper and solvent DO NOT contaminate the upper bearing and upper grease seal areas.

(5) Using a 10-power or higher magnifying glass, inspect the area around the 10 bolt holes of the hub assembly for cracks. If a crack is found, replace the hub assembly with an airworthy hub assembly.

(6) Remove any fretting from the mating surfaces of the hub assembly and the drive plate assembly.

Note 2: Boeing McDonnell Douglas Helicopter Systems Service Letter SL900-039, dated May 20, 1998, pertains to the subject of this AD.

(7) Reinstall the main rotor drive plate using 10 new sets of replacement attachment hardware. Torque the nuts to 160-180 in.-lbs. above locknut locking/run-on torque in the sequence shown (Figure 1). Record in the rotorcraft log book the locknut locking/run-on torque for each nut.

(c) After the next flight, verify that the torque on each of the 10 nuts is at least 160 in.-lbs. above the locknut locking/run-on torque (minimum torque). Re-torque as required without loosening nuts. Fillet surface seal main rotor drive plate to fretting buffer to hub assembly mating lines, and seal all exposed unpainted upper surfaces of the hub assembly.

(d) Thereafter, at intervals of at least 4 hours TIS, not to exceed 6 hours TIS, verify that the torque of each of the 10 nuts is at least the minimum torque. Re-torque as required without loosening nuts. This torque verification is no longer required after the torque on each of the 10 nuts has stabilized at the minimum torque for each nut during two successive torque verifications.

(e) Repeat the requirements specified in this AD at intervals not to exceed 150 hours TIS.

Note 3: Rotorcraft Maintenance Manual, CSP-900RMM-2, Section 62-20-00 and 63-10-00, pertain to the subject of this AD.

(f) 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 Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(g) 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 helicopter

to a location where the requirements of this AD can be accomplished.

(h) This amendment becomes effective on February 3, 1999, to all persons except those persons to whom it was made immediately effective by priority letter AD 98-12-30, issued June 4, 1998, which contained the requirements of this amendment.

Issued in Fort Worth, Texas, on January 4, 1999.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99-683 Filed 1-15-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-310-AD; Amendment 39-10997; AD 99-02-08]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, -342, and A340-211, -212, -213, -311, -312, and -313 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A330-301, -321, -322, -341, -342, and A340-211, -212, -213, -311, -312, and -313 series airplanes. This action requires repetitive high-frequency eddy current (HFEC) inspections to detect cracking of the inner flange of the rear fuselage frame FR73A, between beams 5 and 6; and corrective actions, if necessary. This amendment also provides for optional terminating action for the repetitive inspections. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to detect and correct fatigue cracking of the inner flange of the rear fuselage frame FR73A, which could result in reduced structural integrity of the fuselage.

DATES: Effective February 3, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 3, 1999.

Comments for inclusion in the Rules Docket must be received on or before February 18, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation

Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-310-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A330-301, -321, -322, -341, -342, and A340-211, -212, -213, -311, -312, and -313 series airplanes. The DGAC advises that, during full-scale fatigue testing, fatigue cracking occurred at 31,409 simulated flights on the right-hand side of the rear fuselage frame FR73A, between beams 5 and 6. The crack ran the full width of the inner flange, and extended 33 millimeters (1.3 inches) into the web of the frame. Such fatigue cracking of the inner flange of the rear fuselage frame FR73A, if not detected and corrected, could result in reduced structural integrity of the fuselage.

Explanation of Relevant Service Information

Airbus has issued Service Bulletins A330-53-3037, Revision 01 (for Model A330 series airplanes), and A340-53-4051, Revision 01 (for Model A340 series airplanes), both dated January 30, 1998. These service bulletins describe procedures for repetitive high-frequency eddy current (HFEC) inspections to detect cracking of the inner flange left and right sides, of the rear fuselage frame FR73A, between beams 5 and 6; and corrective actions, if necessary. The corrective actions involve reworking and replacing the affected area with a new, improved section of FR73A, if necessary. This replacement eliminates the need for repetitive HFEC inspections for the affected area only, as described in the Airbus service bulletins.

Airbus also has issued Service Bulletins A330-53-3036, Revision 01, dated December 22, 1997 (for Model