

minimum of seven years after conversion to federal mutual form before it may convert to federal stock form.

The OTS is aware of no reason why credit unions should be the only type of depository institution to permit a one vote per member arrangement. In response to the comment that the one member, one vote principle is jeopardized by the ease of later amending the federal charter, the OTS believes that members of a federal mutual association should continue to have the right to change the number of votes per member if they wish.

Further, the OTS is aware of no reason to delay its regulation. Legislation has been enacted in response to the Supreme Court ruling.<sup>4</sup> In addition, the OTS has seen no mass influx of credit unions seeking to become federal thrifts. Only seven credit unions have applied to convert to a federal mutual charter in the last eighteen months. (During the same period of time, ten commercial banks applied to convert to federal savings associations.)

Finally, the OTS believes that restricting converting credit unions from converting to stock for a number of years is beyond the scope of the proposal and would be more appropriately raised in response to planned revisions to the Part 563b mutual to stock conversion regulations.

The OTS is adopting the amendment as proposed. The amendment will permit mutual depository institutions that are converting to federal savings associations to retain the one vote per member provision in their current charters, and will permit other converting institutions, as well as existing federal mutual savings associations, to adopt a one vote per member provision.

The Final Rule will amend 12 CFR 544.2(b)(4) to permit federally chartered mutual savings associations to set the number of votes per member within the range of 1 to 1,000, rather than the current range of 50 to 1,000. New federal mutual savings associations may include this provision in their initial federal thrift charter. Existing federal mutual associations may amend their charters under the prescribed regulatory procedures.<sup>5</sup> Specifically, an institution must: (i) Obtain a board of directors' resolution adopting the amendment, (ii)

obtain a favorable vote by the members, and (iii) notify the OTS of the adoption at least 30 days prior to the effective date of the proposed amendment. Unless the OTS notifies the institution of its objection to the proposed amendment within that 30 days, the amendment is automatically approved.

### III. Executive Order 12866

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

### IV. Regulatory Flexibility Act Analysis

Under Section 605(b) of the Regulatory Flexibility Act, the OTS certifies that this proposal will not have a significant economic impact on a substantial number of small entities. Small entities utilizing the regulation may be able to retain their existing membership rights, which will simplify the process of converting to a federal charter and reduce regulatory burden.

### V. Unfunded Mandates Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-4 (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 expenditures by state, local, and tribal governments, in the aggregate, or by the private sector, or \$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 OTS has determined that the proposed rule will not result in expenditures by state, local, or tribal governments or by the private sector of \$100 million or more. Accordingly, this rulemaking is not subject to Section 202 of the Unfunded Mandates Act.

### VI. Effective Date

The OTS has determined that there is good cause to dispense with a 30-day delayed effective date under 5 U.S.C. 553(d)(3). The amendment permits federal mutual savings associations and depository institutions converting their charters to federal mutual savings association charter to add flexibility to existing voting arrangements or retain current voting rights. The OTS believes the change does not have an adverse impact on savings associations because it reduces regulatory burden. Moreover, the substantive change to the regulations has already been made

available to requesting converting depository institutions on a case-by-case basis. OTS-regulated institutions will not require additional time to adjust their policies or practices to comply with the rule.

The OTS has also determined, for the reasons stated in the preceding paragraph, that good cause exists to adopt an effective date that is before date that would otherwise be required by section 302 of CDRIA (*i.e.*, the first day of the calendar quarter after the date of publication).

### List of Subjects in 12 CFR Part 544

Bylaws, Charters, Reporting and recordkeeping requirements, Savings associations.

Accordingly, the Office of Thrift Supervision proposes to amend chapter V, title 12, Code of Federal Regulations, as set forth below.

### PART 544—CHARTER AND BYLAWS

1. The authority citation for part 544 continues to read as follows:

**Authority:** 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 2901 *et seq.*

2. Section 544.2 is amended by revising the last sentence of paragraph (b)(4) to read as follows:

#### § 544.2 Charter amendments.

\* \* \* \* \*

(b) \* \* \*

(4) \* \* \* [Fill in a number from 1 to 1000.]

\* \* \* \* \*

Dated: August 25, 1998.

By the Office of Thrift Supervision.

**Ellen Seidman,**  
Director.

[FR Doc. 98-23281 Filed 8-28-98; 8:45 am]

BILLING CODE 6720-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-SW-23-AD; Amendment 39-10725; AD 98-10-09]

RIN 2120-AA64

**Airworthiness Directives; Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 Helicopters**

**AGENCY:** Federal Aviation Administration, DOT.

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

**SUMMARY:** This document publishes in the **Federal Register** an amendment

<sup>4</sup> On August 7, 1998 the President signed Pub. L. 105-219 which mitigated the impact of the Supreme Court decision by allowing occupation-based credit unions to accept members from unrelated companies with fewer than 3000 employees.

<sup>5</sup> 12 CFR 544.2(b) (1998).

adopting Airworthiness Directive (AD) 98-10-09 which was sent previously to all known U.S. owners and operators of Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 helicopters by individual letters. This AD requires an initial and recurring inspections of the blade spar for cracks. This amendment is prompted by an accident in which a Model SA.315B helicopter lost a main rotor blade. The cause of the blade failure was fatigue cracking. This condition, if not corrected, could result in separation of a blade and subsequent loss of control of the helicopter.

**DATES:** Effective September 15, 1998, to all persons except those persons to whom it was made immediately effective by priority letter AD 98-10-09, issued on May 6, 1998, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 15, 1998.

Comments for inclusion in the Rules Docket must be received on or before October 30, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98-SW-23-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The applicable service information may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Shep Blackman, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5296, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** On February 12, 1998, the FAA issued priority letter AD 98-04-40 (FAA Docket 98-SW-09-AD), applicable to Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 helicopters. That AD was published in the **Federal Register** on April 17, 1998 (63 FR 19183). That AD requires, for blades with 400 or more hours time-in-service (TIS), within 25 hours TIS, inspecting each blade spar for cracks using a dye-penetrant

method, and visually inspecting each blade cuff for cracks using a 10-power or higher magnifying glass. If a crack is discovered in either a blade spar or cuff, removal and replacement of the blade with an airworthy blade is required prior to further flight. That action was prompted by an accident in which a Model SA.315B helicopter lost a main rotor blade (blade) just prior to take-off. Although the main gearbox and the remainder of the main rotor assembly separated from the helicopter and passed through the cockpit, there were no fatalities. The cause of the blade failure was determined to be fatigue cracks that originated from the outboard blade-to-cuff attachment bolt hole and progressed through the blade spar and cuff. That condition, if not corrected, could result in separation of a blade and subsequent loss of control of the helicopter. Priority Letter AD 98-10-09 issued May 6, 1998, superseded AD 98-04-40. AD 98-10-09 requires the same one-time inspections as required by AD 98-04-40, but also requires, at intervals not to exceed 25 hours TIS, a recurring visual inspection of the blade spar at the outboard blade-to-cuff attachment bolt hole for cracks using a 10-power or higher magnifying glass.

The FAA has reviewed Eurocopter France Service Telex No. 00055/0034/98, dated February 3, 1998 (Eurocopter Service Telex: 316/319 No. 01.64 and 315 No. 01.29), which describes procedures for inspecting each blade spar for cracks using a dye-penetrant method, and visually inspecting each blade cuff for cracks using a 10-power or higher magnifying glass; and Eurocopter France Service Telex No. 00060/00099/98, dated April 9, 1998 (Eurocopter Service Telex: 316/319 No. 01.65 and 315 No. 01.30), which describes procedures for repetitively inspecting each blade spar for cracks using a 10-power or higher magnifying glass. Additionally, the Direction Generale De L'Aviation Civile, which is the airworthiness authority for France, has issued AD 98-088-055(A) and 98-089-038(A), both dated February 25, 1998; and AD 98-170-056(A)R1 and 98-171-039(A)R1, both dated May 6, 1998, to mandate these actions.

Since the unsafe condition described is likely to exist or develop on other Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 helicopters of the same type design, the FAA issued priority letter AD 98-10-09 to prevent separation of a blade and subsequent loss of control of the helicopter. This AD requires, for blades with 400 or more hours time-in-service (TIS), within 25 hours TIS, inspecting each blade spar for cracks

using a dye-penetrant method, and visually inspecting each blade cuff for cracks using a 10-power or higher magnifying glass; and thereafter, visually inspecting each blade spar with a 10-power or higher magnifying glass at intervals not to exceed 25 hours TIS. If a crack is discovered in either a blade spar or cuff, removal and replacement of the blade with an airworthy blade is required prior to further flight. The actions are required to be accomplished in accordance with the service telexes described previously.

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 May 6, 1998 to all known U.S. owners and operators of Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons. The FAA has made two non-substantive changes to the Priority Letter AD which will neither increase the economic burden on an operator nor increase the scope of the AD. The 400 or more hours TIS threshold provision has been moved from the compliance paragraph to the applicability paragraph. Additionally, Figure 1 has been enhanced to provide a clearer picture of the affected blade area.

Previous completion of the inspections required by AD 98-04-40 constitutes compliance with the initial blade inspections required by this AD. The recurring visual inspections specified in this AD shall begin on or before 25 hours TIS after the initial inspections required by either this AD or AD 98-04-40, whichever occurred first. If more than 25 hours TIS has elapsed since the inspections required by AD 98-04-40, then the recurring visual inspection specified in this AD must be accomplished prior to further flight.

The FAA estimates that 106 helicopters of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per helicopter to inspect a blade and 4 work hours to replace a main rotor blade, if necessary, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$49,700 per blade. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$5,319,080

for the first year, assuming one blade replacement per helicopter and \$25,440 each subsequent year, assuming five inspections per year and no blade replacements.

### 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-23-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, Incorporation by reference, 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 removing Amendment 39-10479 (63 FR 19183, April 17, 1998) and by adding a new airworthiness directive Amendment 39-10725 to read as follows:

#### AD 98-10-09 Eurocopter France:

Amendment 39-10725. Docket No. 98-SW-23-AD. Supersedes AD 98-04-40, Amendment 39-10479, Docket 98-SW-09-AD.

**Applicability:** Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 helicopters, with main rotor blades, part numbers 3160S11-10000 all dash numbers, 3160S11-30000 all dash numbers, 3160S11-40000 all dash numbers, 3160S11-45000 all dash numbers, 3160S11-50000 all dash numbers, or 3160S11-55000 all dash numbers, with 400 or more hours time-in-service (TIS), 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 separation of a blade and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 25 hours TIS, inspect each blade spar for cracks using a dye-penetrant method in accordance with paragraphs CC.1 through CC.4 of the Operational Procedures in Eurocopter France Service Telex No. 00055/0034/98, dated February 3, 1998 (Eurocopter Service Telex: 316/319 No. 01.64 and 315 No. 01.29).

(b) Within 25 hours TIS, visually inspect the upper and lower surfaces of each blade cuff for cracks, especially around the attachment bolts, using a 10-power or higher magnifying glass.

(c) Within 25 hours TIS from the last required inspection of each blade spar for cracks in the area indicated in Figure 1, and thereafter at intervals not to exceed 25 hours TIS:

(1) Without removing the blade from the helicopter, clean each blade root area using "Teepol" or an equivalent product.

(2) Support the blade tip to eliminate blade droop while inspecting the lower blade surface.

(3) Visually inspect each blade spar with a 10-power or higher magnifying glass along the hatched area indicated in Figure 1, beginning on the blade lower surface, then on the flat section of the trailing edge (B), on the blade upper surface, and then on the flat section of the leading edge (A).

(4) Before returning the blades to service, confirm that there is a sealing bead (1) around the edge of the blade cuff.

**Note 2:** Eurocopter France Service Telex No. 00060/00099/98, dated April 9, 1998 (Eurocopter Service Telex: 316/319 No. 01.65 and 315 No. 01.30) pertains to the subject of this AD.

(d) If more than 25 hours TIS have elapsed since the last required inspection of each blade spar for cracks in the area indicated in Figure 1, before further flight, conduct the inspections required by paragraph (c) of this AD.

(e) If a crack is found in a blade spar or cuff, remove the blade and replace it with an airworthy blade prior to further flight.

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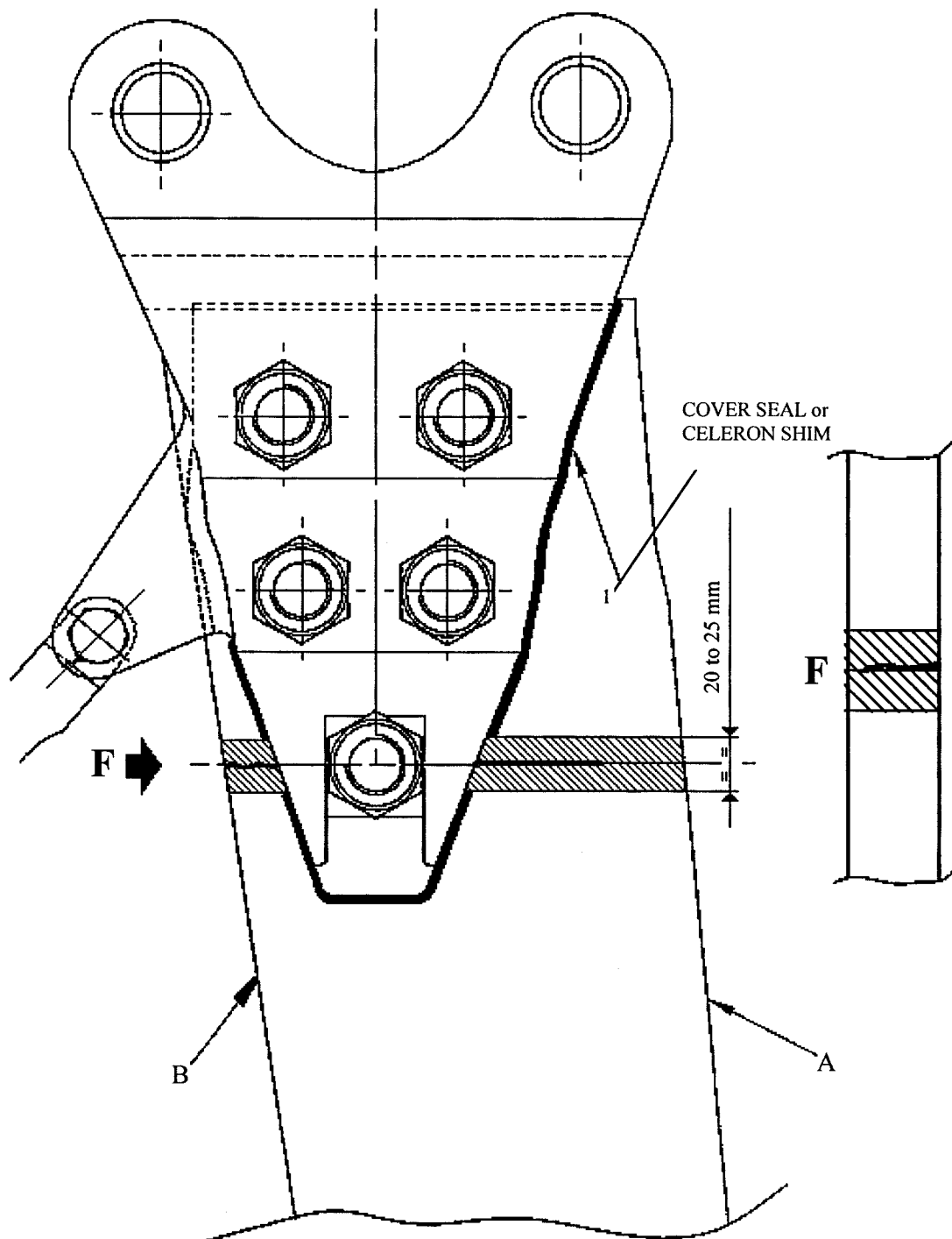


Figure 1

(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, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(g) Special flight permits will not be issued.

(h) The inspection shall be done in accordance with paragraphs CC.1 through CC.4 of the Operational Procedures in Eurocopter France Service Telex No. 00055/0034/98, dated February 3, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on September 15, 1998, to all persons except those persons to whom it was made immediately effective by Priority Letter AD 98-10-09, issued May 6, 1998, which contained the requirements of this amendment.

**Note 4:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 98-088-055(A) and 98-089-038(A), both dated February 25, 1998; and Direction Generale De L'Aviation Civile (France) AD 98-170-056(A)R1 and 98-171-039(A)R1, both dated May 6, 1998.

Issued in Fort Worth, Texas, on August 21, 1998.

**Larry M. Kelly,**

*Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.*

[FR Doc. 98-23095 Filed 8-28-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-ANE-18-AD; Amendment 39-10726; AD 98-18-10]

RIN 2120-AA64

#### Airworthiness Directives; General Electric Company CF6-6 Series Turbofan Engines

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to General Electric Company (GE) CF6-6 series turbofan engines, that requires removal from service of affected low pressure turbine (LPT) stage 4 disks prior to reaching new, reduced cyclic life limits, and replacement with serviceable parts. This amendment is prompted by reports of LPT stage 4 disk cracking in the blade dovetail slot bottom area. The actions specified by this AD are intended to prevent LPT stage 4 disk cracking, which could result in an uncontained engine failure and damage to the aircraft.

**DATES:** Effective September 30, 1998.

#### FOR FURTHER INFORMATION CONTACT:

Karen Curtis, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7192, fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to General Electric Company (GE) CF6-6 series turbofan engines was published in the **Federal Register** on May 15, 1998 (63 FR 27001). That action proposed to require removal from service of affected low pressure turbine (LPT) stage 4 disks prior to reaching new, reduced cyclic life limits, and replacement with serviceable parts.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter states that they have already incorporated the GE service bulletin and gives a cost estimate compatible with the FAA's estimate.

One commenter states that it does not operate any affected engines.

One commenter states that the AD should establish a "cycles since" date that is at least 7 days after the effective date of the AD in order to give operators time to prepare their time tracking systems. The commenter requests this change on the basis that without prior knowledge of the effective date of the AD, it would be necessary to manually backtrack records to determine disks times for a date already passed. The FAA disagrees. For non-emergency ADs such as this, the effective date of the AD must be at least 30 days after the publication date to allow affected operators time to prepare. That 30-day period should provide ample time for operators to make whatever adjustments are necessary in tracking systems that

should already keep track of the life limited parts that operator uses in service.

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.

There are approximately 257 engines of the affected design in the worldwide fleet. The FAA estimates that 242 engines installed on aircraft of U.S. registry will be affected by this AD, and that required parts, on a prorated basis, will cost approximately \$22,432 per engine. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$5,428,544.

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 "significant regulatory action" under Executive Order 12866; (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 it is contained in the Rules Docket. A copy of it 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.