

or may review the application based on the information provided.

**§ 563.580 What standards and procedures will govern OTS review of the substance of my notice?**

The OTS will disapprove a notice if, pursuant to the standard set forth in 12 U.S.C. 1831i(e), the OTS finds that the competence, experience, character, or integrity of the proposed director or senior executive officer indicates that it would not be in the best interests of the depositors of the savings association or of the public to permit the individual to be employed by, or associated with, the savings association or savings and loan holding company. If the OTS disapproves a notice, it will issue a written notice that explains why the OTS disapproved the notice. The OTS will send the notice to the savings association or savings and loan holding company and the individual.

**§ 563.585 When may a proposed director or senior executive officer begin service?**

(a) A proposed director or senior executive officer may begin service 30 days after the date the OTS receives all required information, unless:

(1) The OTS notifies you that it has disapproved the notice; or  
(2) The OTS extends the 30-day period for an additional period not to exceed 60 days. If the OTS extends the 30-day period, it will notify you in writing that the period has been extended, and will state the reason for the extension. The proposed director or senior executive officer may begin service upon expiration of the extended period, unless the OTS notifies you that it has disapproved the notice during the extended period.

(b) Notwithstanding paragraph (a) of this section, a proposed director or senior executive officer may begin service after the OTS notifies you, in writing, of its intention not to disapprove the notice.

**§ 563.590 When will the OTS waive the prior notice requirement?**

(a) *Waiver request.* (1) An individual may serve as a director or senior executive officer before filing a notice under this subpart if the OTS issues a written finding that:

(i) Delay would threaten the safety or soundness of the savings association;  
(ii) Delay would not be in the public interest; or  
(iii) Other extraordinary circumstances exist that justify waiver of prior notice.

(2) If the OTS grants a waiver, you must file a notice under this subpart within the time period specified by the OTS.

(b) *Automatic waiver.* An individual may serve as a director before filing a notice under this subpart, if the individual was not nominated by management and the individual submits a notice under this subpart within seven days after election as a director.

(c) *Subsequent OTS action.* The OTS may disapprove a notice within 30 days after the OTS issues a waiver under paragraph (a) of this section or within 30 days after the election of an individual who has filed a notice and is serving pursuant to an automatic waiver under paragraph (b) of this section.

**PART 563f—MANAGEMENT OFFICIAL INTERLOCKS**

3. The authority citation for part 563f continues to read as follows:

**Authority:** 12 U.S.C. 3201–3208.

4. Section 563f.2 is amended by revising paragraph (l)(1)(iii) to read as follows:

**§ 563f.2 Definitions.**

\* \* \* \* \*

(l) *Management official.* (1) \* \* \*

(iii) A senior executive officer as that term is defined in § 563.555 of this chapter;

\* \* \* \* \*

5. Section 563f.5 is amended by revising paragraphs (b)(2)(i) and (b)(2)(ii) to read as follows:

**§ 563f.5 Regulatory Standards exemption.**

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(i) That official is permitted by OTS to serve as a director or senior executive officer of that institution pursuant to § 563.585 of this chapter; and

(ii) The institution had operated for less than two years, was not in compliance with minimum capital requirements, or otherwise was in "troubled condition" as defined in § 563.555 of this chapter at the time the service under § 563.585 of this chapter was permitted.

\* \* \* \* \*

6. Section 563f.6 is amended by revising paragraphs (b)(1) and (b)(2) to read as follows:

**§ 563f.6 Management Consignment exemption.**

\* \* \* \* \*

(b) \* \* \*

(1) A proposed management official is capable of strengthening the management of a depository institution described in paragraph (a)(3) of this section if that official is permitted by the OTS to serve as a director or senior executive officer of that institution

pursuant to § 563.585 of this chapter and the institution had operated for less than two years at the time the service under § 563.585 of this chapter was permitted; and

(2) A proposed management official is capable of strengthening the management of a depository institution described in paragraph (a)(4) of this section if that official is permitted by the OTS to serve as a director or senior executive officer of that institution pursuant to § 563.585 of this chapter and the institution was not in compliance with minimum capital requirements or otherwise was in "troubled condition" as defined under § 563.555 of this chapter at the time service under § 563.585 of this chapter was permitted.

\* \* \* \* \*

**PART 574—ACQUISITION OF CONTROL OF SAVINGS ASSOCIATIONS**

7. The authority citation for part 574 is revised to read as follows:

**Authority:** 12 U.S.C. 1467a, 1817.

**§ 574.9 [Removed]**

8. Section 574.9 is removed.

Dated: September 18, 1998.

By the Office of Thrift Supervision.

**Ellen Seidman,**

*Director.*

[FR Doc. 98–25633 Filed 9–24–98; 8:45 am]

BILLING CODE 6720–01–U

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 97–NM–42–AD; Amendment 39–10796; AD 98–20–29]

**RIN 2120-AA64**

**Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to all Airbus Industrie Model A320 series airplanes, that currently requires a revision to the Airplane Flight Manual (AFM) to prohibit automatic landings in configuration 3 (CONF 3). This amendment limits the applicability of the existing AD, and adds a new revision to the AFM to indicate that automatic landings in CONF 3 are prohibited and to specify an

increased minimum runway visual range for airplanes on which certain modifications have not been accomplished. This amendment also requires eventual replacement of the existing spoiler elevator computers with improved parts, and insertion of new pages into the AFM that correct landing distances required for automatic landings in CONF 3. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent pitch-up of the airplane due to activation of the spoilers during an automatic landing, which, if not corrected, could result in tail strikes and structural damage to the airplane.

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

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 30, 1998.

**ADDRESSES:** 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 92-19-13, amendment 39-8371 (57 FR 40601, September 4, 1992), which is applicable to all Airbus Industrie Model A320 series airplanes, was published in the **Federal Register** on July 23, 1998 (63 FR 39540). The action proposed to continue to require a revision to the Airplane Flight Manual (AFM) to prohibit automatic landings in configuration 3 (CONF 3). The action also proposed to limit the applicability of the existing AD, and add a new revision to the AFM to indicate that automatic landings in CONF 3 are prohibited and to specify an increased minimum runway visual range for airplanes on which certain modifications have not been accomplished. The action also proposed to require eventual replacement of the existing spoiler elevator computers with

improved parts, and insertion of new pages into the AFM that correct landing distances required for automatic landings in CONF 3.

#### Comments

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

The commenters support the proposed rule.

#### Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

There are approximately 93 airplanes of U.S. registry that will be affected by this AD.

The incorporation of the temporary revision into the AFM that is currently required by AD 92-19-13, and retained in this AD, takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this requirement of this AD on U.S. operators is estimated to be \$5,580, or \$60 per airplane.

The incorporation of the new temporary revision into the AFM that is required in this AD will take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this requirement of this AD on U.S. operators is estimated to be \$5,580, or \$60 per airplane.

The replacement of the spoiler elevator computers (SEC's) that is required in this AD action will take approximately 3 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of this requirement of this AD on U.S. operators is estimated to be \$16,740, or \$180 per airplane.

The incorporation of AFM Section 5.06.00, pages 06 and 6A, into the AFM that is required in this AD action will take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this requirement of this AD on U.S. operators is estimated to be \$5,580, or \$60 per airplane.

The cost impact figures discussed above are based on assumptions that no

operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

#### Regulatory Impact

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, 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 39-8371 (57 FR 40601, September 4, 1992), and by adding a new airworthiness directive (AD), amendment 39-10796, to read as follows:

**98-20-29 Airbus Industrie:** Amendment 39-10796. Docket 97-NM-42-AD. Supersedes AD 92-19-13, Amendment 39-8371.

**Applicability:** Model A320 series airplanes on which Airbus Industrie Modification

23132, 24348, or 24511 has not been accomplished; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 (d)(1) 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 pitch-up of the airplane due to activation of the spoilers during an automatic landing, which, if not corrected, could result in tail strikes and structural damage to the airplane, accomplish the following:

(a) Within 60 days after October 9, 1992 (the effective date of AD 92-19-13, amendment 39-8371), revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD into the AFM.

"Use of automatic landing in configuration 3 (CONF 3) is prohibited."

(b) Within 30 days after the effective date of this AD, revise the FAA-approved Airbus A320 AFM by inserting Airbus A319/320/321 AFM Temporary Revision 9.99.99/02, Issue 02, dated April 8, 1997, into the AFM. After revising the AFM, the AFM revision required by paragraph (a) of this AD may be removed from the AFM.

(c) Within 18 months after the effective date of this AD, accomplish the actions specified in paragraphs (c)(1) and (c)(2) of this AD. After the actions specified by paragraph (c) of this AD have been accomplished, the AFM revision required by paragraph (b) of this AD (Airbus A320 AFM Temporary Revision 9.99.99/02, Issue 02, dated April 8, 1997) may be removed from the AFM.

(1) Replace the existing spoiler elevator computers (SEC's) in the aft and forward electronics racks with new, improved SEC's, in accordance with Airbus Industrie Service Bulletin A320-27-1081, Revision 2, dated September 6, 1995; or A320-27-1073, dated January 20, 1995; as applicable.

(2) After the accomplishment of the actions specified by paragraph (c)(1) of this AD, prior to further flight, revise Section 5.06.00 of the Airbus A320 AFM by inserting Section 5.06.00, page 06, dated February 10, 1996, and page 6A, dated January 20, 1997.

**Note 2:** Operators should ensure that the units in which the distance measurements are listed in AFM Section 5.06.00, pages 06 and 6A, are consistent with the units of measurement that the operators use in their operations.

(d)(1) 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, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

(d)(2) Alternative methods of compliance, approved previously in accordance with AD 92-19-13, amendment 39-8371, are approved as alternative methods of compliance with this AD.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

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

(f) Except as provided by paragraphs (a) and (c)(2) of this AD, the actions shall be done in accordance with Airbus A319/320/321 AFM Temporary Revision (TR) 9.99.99/02, Issue 02, dated April 8, 1997; Airbus Service Bulletin A320-27-1081, Revision 2, dated September 6, 1995; and Airbus Service Bulletin A320-27-1073, dated January 20, 1995; as applicable. Airbus Service Bulletin A320-27-1081, Revision 2, dated September 6, 1995, contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 3, 4, 6-10, 13-15.	2 .....	Sept. 6, 1995.
2, 5, 11, 12.	Original .....	Jan. 16, 1995.

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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected 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.

**Note 4:** The subject of this AD is addressed in French airworthiness directive 93-203-049(B)R3, dated July 2, 1997.

(g) This amendment becomes effective on October 30, 1998.

Issued in Renton, Washington, on September 17, 1998.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 98-25472 Filed 9-24-98; 8:45 am]  
**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-77-AD; Amendment 39-10798; AD 98-20-31]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A320 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A320 series airplanes, that requires repetitive inspections to detect cracking in the pressurized floor pick-up angles on the rear spar of the wing, and replacement of any cracked pick-up angle and its associated diaphragms with improved parts. Such replacement terminates the repetitive inspections for that angle. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct cracking in the pressurized floor pick-up angles at the rear spar of the wing, which could result in reduced structural integrity of the airframe.

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

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 30, 1998.

**ADDRESSES:** 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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:** 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 certain Airbus Model A320 series airplanes was