regarding an initial and final regulatory flexibility analysis are inapplicable.

List of Subjects in 12 CFR Part 360

Savings associations.

For the reasons set out in the preamble, part 360 of chapter III of title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 360—RESOLUTION AND RECEIVERSHIP RULES

1. The authority citation for part 360 continues to read as follows:

Authority: 12 U.S.C. 1821(d)(11), 1821(e)(8)(D)(i), 1823(c)(4); Sec. 401(h), Pub. L. 101–73, 103 Stat. 357.

2. Section 360.1 is amended by revising paragraph (b) to read as follows:

§ 360.1 Least-cost resolution.

* * * * *

(b) Purchase and assumption transactions. Subject to the requirement of section 13(c)(4)(A) of the FDI Act (12 U.S.C. 1823(c)(4)(A)), paragraph (a) of this section shall not be construed as prohibiting the FDIC from allowing any person who acquires any assets or assumes any liabilities of any insured depository institution, for which the FDIC has been appointed conservator or receiver, to acquire uninsured deposit liabilities of such institution as long as the applicable insurance fund does not incur any loss with respect to such uninsured deposit liabilities in an amount greater than the loss which would have been incurred with respect to such liabilities if the institution had been liquidated.

§ 360.2 [Removed and reserved]

3. Section 360.2 is removed and reserved.

By order of the Board of Directors.

Dated at Washington, D.C., this 4th day of February, 1997.

Federal Deposit Insurance Corporation

Jerry L. Langley,

Executive Secretary.

[FR Doc. 97–4019 Filed 2–19–97; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–106–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A320 series airplanes. This proposal would require an initial inspection of fastener holes on certain outer frames of the fuselage to detect fatigue cracking, and modification of this area by cold expanding these holes and installing oversized fasteners. This proposal is prompted by a report from the manufacturer indicating that, during full-scale fatigue testing of the test article, fatigue cracking was detected in the area where the center fuselage joins the wing. The actions specified by the proposed AD are intended to prevent fatigue cracking and consequent reduced structural integrity of this area, which could lead to rapid depressurization of the fuselage.

DATES: Comments must be received by March 31, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–106–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule 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.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW, Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–106–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–106–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Airbus Model A320 series airplanes. The DGAC advises that it has received a report from the manufacturer indicating that fatigue cracks were detected during full-scale fatigue testing of the test article after 90,001 simulated flights. These cracks were found in fastener holes in the flange caps of outer right frame 40 and outer left frame 41, adjacent to Stringer 23; this is the area where the center fuselage joins the wing. This condition, if not prevented, consequently could reduce the structural integrity of this area, and lead to rapid decompression of the fuselage.

Explanation of Related and Relevant Service Information

Airbus has issued Service Bulletin A320–53–1026, dated August 5, 1994, which describes procedures for conducting repetitive eddy current rotating probe inspections of fastener holes on certain outer frames of the fuselage to detect fatigue cracking and repair, if necessary. These holes are located on the forward and aft faces of the flange caps on outer left and right frames 37 through 41, adjacent to Stringer 23; this is the area where the center fuselage joins the wing.

Airbus also has issued Service Bulletin A320–53–1025, Revision 1, dated November 24, 1994, which describes procedures for conducting an initial eddy current rotation probe inspection of these fastener holes to detect fatigue cracking, and for modification of this area by cold expanding certain holes and installing oversized fasteners. This modification, which would improve the resistance of this area to fatigue cracking, would eliminate the need for repetitive eddy current inspections of this area.

The DGAC classified Airbus Service Bulletin A320–53–1026 as mandatory and issued French airworthiness directive (CN) 95–101–69(B), dated May 24, 1995, in order to assure the continued airworthiness of these airplanes in France. The DGAC classified Airbus Service Bulletin A320–53–1025 as ''recommended,'' but indicated in CN 95–101–69(B) that accomplishment of this service bulletin would terminate the repetitive eddy current inspections required by that C/N.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require an initial eddy current rotation probe inspection to detect fatigue cracking in certain fastener holes in the area where the center fuselage joins the wing, and a modification to improve the resistance of this area to fatigue cracking. The modification entails the cold expansion of certain fastener holes and the installation of oversized fasteners in these holes. The actions would be required to be accomplished in accordance with the Airbus service bulletins described previously.

Differences Between the Proposed Rule and the French CN

Under the FAA's proposed AD, operators would be required to modify the area where the center fuselage joins the wing by cold expanding certain fastener holes and installing oversized fasteners in these holes. The DGAC has not mandated this modification, but instead, has mandated repetitive inspections of the area.

The adequacy of inspections needed to maintain the safety of the transport airplane fleet, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has caused the FAA to place less emphasis on repetitive inspections, and more emphasis on design improvements and material replacement. Thus, the FAA has decided to require, whenever practicable, modifications necessary to remove the source of the problem addressed. The modification requirement of this proposed AD is in consonance with that decision.

Cost Impact

The FAA estimates that 24 Airbus Model A320 series airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 25 work hours per airplane to accomplish the proposed actions, at an average labor rate of $60 per work hour. Required parts would cost approximately $557 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $49,368, or $2,057 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed 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 proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this 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); and (3) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting 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.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 the following new airworthiness directive:

Airbus Industrie: Docket 96–NM–106–AD.

Applicability: Model A320 series airplanes as listed in Airbus Service Bulletin A320–53–1026, dated August 5, 1994; on which modifications 21281P1495 and 21680P1818 have not been installed; 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 (e) 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 fatigue cracking in the area where the center fuselage joins the wing, which could reduce the structural integrity of this area and consequently result in rapid decompression of the fuselage, accomplish the following:

(a) Prior to the accumulation of 16,000 total landings, or within 6 months after the effective date of this AD, whichever occurs

later, perform an eddy current rotating probe inspection to detect fatigue cracking in the fastener holes of the outer frame flanges of left and right fuselage frames 37 through 41, adjacent to Stringer 23, in accordance with Airbus Service Bulletin A320–53–1026, dated August 5, 1994.

Note 2: Prior to the effective date of this AD, accomplishment of any modification in accordance with Airbus Service Bulletin A320–53–1025, dated August 5, 1994, is considered acceptable for compliance with the modification requirements of paragraphs (b), (c)(1)(i), (c)(2) and (d) of this AD.

(b) If the inspection required by paragraph (a) of this AD detects no cracking in any hole: Prior to the accumulation of 6,000 landings after this inspection, modify each hole in accordance with Paragraph 2.B.(5) of Airbus Service Bulletin A320–53–1025, Revision 1, dated November 24, 1994. Thereafter, no further action is required by this AD.

(c) If the inspection required by paragraph (a) of this AD detects any cracking in no more than one hole per frame cap, accomplish the requirements of paragraph (c) (1) and (c)(2) of this AD:

(1) Prior to further flight, repair this cracked hole and conduct another rotating probe inspection of this hole to detect cracking, in accordance with Paragraph 2.B.(6) of Airbus Service Bulletin A320–53–1025, Revision 1, dated November 24, 1994.

(i) If no cracking of this repaired hole is detected: Prior to further flight, modify this hole in accordance with Paragraph 2.B.(6)(c) of this service bulletin. Thereafter, no further action with regard to this hole is required by this AD.

(ii) If any cracking of this repaired hole is detected: Prior to further flight, repair this hole in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Thereafter, no further action with regard to this hole is required by this AD.

(2) Prior to the accumulation of 6,000 landings after the inspection required by paragraph (a) of this AD; modify all other holes in accordance with Paragraph 2.B.(5) of Airbus Service Bulletin A320–53–1025, Revision 1, dated November 24, 1994. Thereafter, no further action is required by this AD with respect to these holes.

(d) If the inspection required by paragraph (a) of this AD detects any cracking in more than one hole per frame cap, or if this inspection detects any cracking in any frame: Prior to further flight, repair the discrepant area in a manner approved by the Manager, Standardization Branch, ANM–113; and modify all other holes in accordance with Paragraph 2.B.(5) of Airbus Service Bulletin A320–53–1025, Revision 1, dated November 24, 1994. Thereafter, no further action is required by this AD.

(e) 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, Standardization Branch, ANM–113. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(f) 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.

Issued in Renton, Washington, on February 12, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–4101 Filed 2–19–97; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–NM–222–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking that proposed a new airworthiness directive (AD), applicable to all Boeing Model 727 series airplanes. That action would have required inspections to detect loose attach fitting bolts of the door actuator of the main landing gear (MLG), inspections to determine whether serrations are fully mated, and various follow-on corrective actions. It also would have provided operators the option of terminating all of the requirements of the AD either by replacing the aluminum rib fitting with a new steel rib fitting, or by modifying the rib fitting assembly and performing various follow-on actions. The requirements of that proposed AD were intended to prevent an airplane from landing with one MLG partially extended. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has issued separate rulemaking to require these same actions. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Walter Sippel, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2774; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to all Boeing Model 727 series airplanes, was published in the Federal Register as a Notice of Proposed Rulemaking (NPRM) on April 1, 1996 (61 FR 14269). The NPRM would have revised AD 93–01–14, amendment 39–8468 (58 FR 5574, January 22, 1993). It would have continued to require the actions that were originally mandated by AD 93–01–14, including: inspections to detect loose attach fitting bolts of the door actuator of the main landing gear (MLG), inspections to determine whether serrations are fully mated, and various follow-on corrective actions. The NPRM would have added the option of terminating all of the requirements of the AD either by replacing the aluminum rib fitting with a new steel rib fitting, or by modifying the rib fitting assembly and performing various follow-on actions.

That action was originally prompted by reports of loose attach fitting bolts of the door actuator of the MLG. The requirements of the proposed AD were intended to prevent an airplane from landing with one MLG partially extended.

Actions that Occurred Since the NPRM Was Issued

Since the issuance of that NPRM, the FAA has issued AD 97–02–09, amendment 39–9894 (62 FR 3988, January 28, 1997), which supersedes both AD 93–01–14 as well as AD 90–02–19 [amendment 39–6433 (55 FR 601, January 8, 1990)]. It requires:

1. Repetitive eddy current or dye penetrant inspections to detect cracking of an expanded area of the actuator rib fitting,
2. Inspections to detect loose attach fitting bolts of the door actuator,
3. Inspections to determine whether fitting serrations are fully mated,
4. and various follow-on corrective actions.

It also provides an optional terminating action for the inspections, which consists of replacing the aluminum rib fitting with a new steel rib fitting.

That AD was prompted by a report of a fractured rib fitting that had been reworked previously in accordance with one of the existing AD's. The actions specified by AD 97–02–09 are intended to prevent damage to the airplane caused by a failure of the landing gear to extend due to a fractured rib fitting.

FAA's Conclusions

Because AD 97–02–09 now incorporates, as part of its required actions, the same actions that were proposed in Docket 95-NM–222-AD, the FAA finds that the previously proposed