

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94-CE-28-AD]

Airworthiness Directives; Piper Aircraft Corporation PA-28 and PA-32 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede AD 76-25-06, which currently requires replacing certain engine oil hoses on Piper Model PA-28-140 airplanes, and inspecting for a minimum clearance between the oil hose assemblies and the front exhaust stacks and adjusting if proper clearance is not obtained. The proposed action would maintain the clearance inspection and hose replacement, require this inspection and replacement to be repetitive, and extend the applicability to include PA-32 series and other PA-28 series airplanes. It would also provide the option of installing an approved TSO-C53a, Type D, hose assembly as terminating action for the repetitive inspection requirement. Numerous incidents/accidents caused by oil cooler hose rupture or failure on the affected airplanes prompted the proposed action. The actions specified by the proposed AD are intended to prevent these hoses from failing or rupturing, which could result in engine stoppage and subsequent loss of control of the airplane.

DATES: Comments must be received on or before May 19, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94-CE-28-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments

may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to this AD may be obtained from the Piper Aircraft Corporation, Customer Services, 2926 Piper Drive, Vero Beach, Florida 32960. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Ms. Juanita Craft-Lloyd, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7373; facsimile (404) 305-7348.

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 should 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 that summarizes 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 No. 94-CE-28-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, Central Region, Office of the

Assistant Chief Counsel, Attention: Rules Docket No. 94-CE-28-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 76-25-06, Amendment 39-2788, currently requires replacing certain engine oil hoses on Piper Model PA-28-140 airplanes, and inspecting for a minimum clearance between the oil hose assemblies and the front exhaust stacks and adjusting if proper clearance is not obtained.

Since issuance of that AD, the FAA has received over 20 incident and accident reports on Piper PA-28 and PA-32 series airplanes where the oil cooler hoses either ruptured or failed. Many of these occurrences required the pilot to make an emergency landing. In some instances, oil spraying from these ruptured hoses contacted the hot engine and produced smoke in the cockpit or caused controllability problems when sprayed on the windshield.

Other airplane models have shown a history of oil cooler hose problems; however, most of these have been attributed to leaking hoses instead of ruptured or broken hoses as detailed in the incident/accident reports referenced above on the PA-28 and PA-32 series airplanes. The close proximity of the oil cooler hoses to the exhaust stacks in some of these airplanes also contributes to the hazardous nature of these oil cooler hose failures.

The Model PA-28-140 airplanes in the referenced incidents/accidents were in compliance with AD 76-26-05; however, that AD did not establish any repetitive oil cooler hose inspection or replacement requirements.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that (1) the oil cooler assemblies should be repetitively inspected for clearance, and the oil cooler hoses should be replaced at certain time intervals; (2) the applicability of AD 76-26-05 should be extended to include other PA-28 series and the PA-32 series airplanes; and (3) AD action should be taken to prevent oil cooler hoses from failing or rupturing, which could result in engine stoppage and subsequent loss of control of the airplane.

Since an unsafe condition has been identified that is likely to exist or develop in other Piper PA-28 and PA-

32 series airplanes of the same type design, the proposed AD would supersede AD 76-25-06, Amendment 39-2788, with a new AD that would retain the clearance inspection and hose replacement for the Piper Model PA-28-140 airplanes, and make the inspection and replacement repetitive for these airplane models as well as other PA-28 series and the PA-32 series airplanes. It would also provide the option of installing an approved TSO-C53a, Type D, hose assembly as terminating action for the repetitive inspection requirement.

The replacement compliance time for the proposed AD is presented in both hours time-in-service (TIS) and calendar time with the prevalent compliance time being that which occurs first. Deterioration or failure of the oil cooler hose assemblies could occur as a result of normal flight operation or as a result of time. Therefore, the FAA has determined that this proposed dual replacement compliance time is needed to assure that the oil cooler hose assemblies are replaced before they deteriorate and rupture or fail.

The FAA estimates that 25,000 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 2 workhours (1 workhour inspection and 1 workhour replacement) per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$110 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$5,750,000. This figure does not take into the account the cost of repetitive inspections or repetitive replacements. The FAA has no way of determining the number of repetitive inspections or replacements each owner/operator would incur over the life of the airplane.

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 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) 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 has been placed 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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 76-25-06, Amendment 39-2788, and by adding a new airworthiness directive to read as follows:

Piper Aircraft Corporation: Docket No. 94-CE-28-AD; Supersedes AD 76-25-06, Amendment 39-2788.

Applicability: The following airplane models, all serial numbers, that are equipped with one of the applicable oil cooler hose assembly part numbers (specified below), certificated in any category:

Models	Part Nos.
PA-28-140	63901-69 or 63901-72.
PA-28-150, PA-28-160, PA-28S-160, PA-28-180, and PA-28S-180.	63635-00, 63636-00, 63701-00, 63901-20, 63901-26, 63901-43, or 63901-72.
PA-28R-180, PA-28R-200, and PA-28R-201.	63901-43.
PA-28-151 and PA-28-161.	63901-34 or 63901-49.
PA-28-181	63901-26, 63901-43, or 63901-50.
PA-28-235	61413-3, 63901-16, or 63901-26.
PA-28-236	35801 or 35801-7.
PA-32-260	63901-26.
PA-32-300, PA-32S-300, and PA-32-301.	63901-26, 63901-35, or 63901-73.

Models	Part Nos.
PA-32R-300, PA-32RT-300, PA-32R-301(SP), and PA-32R-301(HP).	63901-98, 63901-99, or 63901-100.
PA-32RT-300T, PA-32R-301T, and PA-32-301T.	63901-26 or 63901-91.

Note 1: This AD applies to each airplane 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 airplanes 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) of this AD 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 aircraft from the applicability of this AD.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent oil cooler hoses from failing or rupturing, which could result in engine stoppage and subsequent loss of control of the airplane, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, and thereafter at intervals not to exceed 100 hours TIS, inspect the oil cooler hoses to ensure that the hoses meet the criteria presented in the paragraphs below.

(1) For airplanes that have any oil cooler mounted at the front or back of the airplane, or both, the fire sleeve of the hose should not be soaked with oil or have a brownish or whitish color, and there should be no evidence of deterioration as a result of heat, brittleness, or oil seepage. Prior to further flight, replace any hose that is soaked with oil, has a brownish or whitish color, or has evidence of deterioration.

(2) On airplanes that have any oil cooler mounted in the front of the airplane, ensure that the following exists, and, prior to further flight, adjust accordingly:

(i) The hose passes underneath and behind the electrical ground cable and in front of the lower of the two engine mount struts when the hose is routed to the rear of the engine; and

(ii) The hose is tied to the engine mount strut and a clearance of at least 2 inches exists between the oil hose and exhaust stack.

Note 2: Figure 1 of this AD relates to the conditions specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

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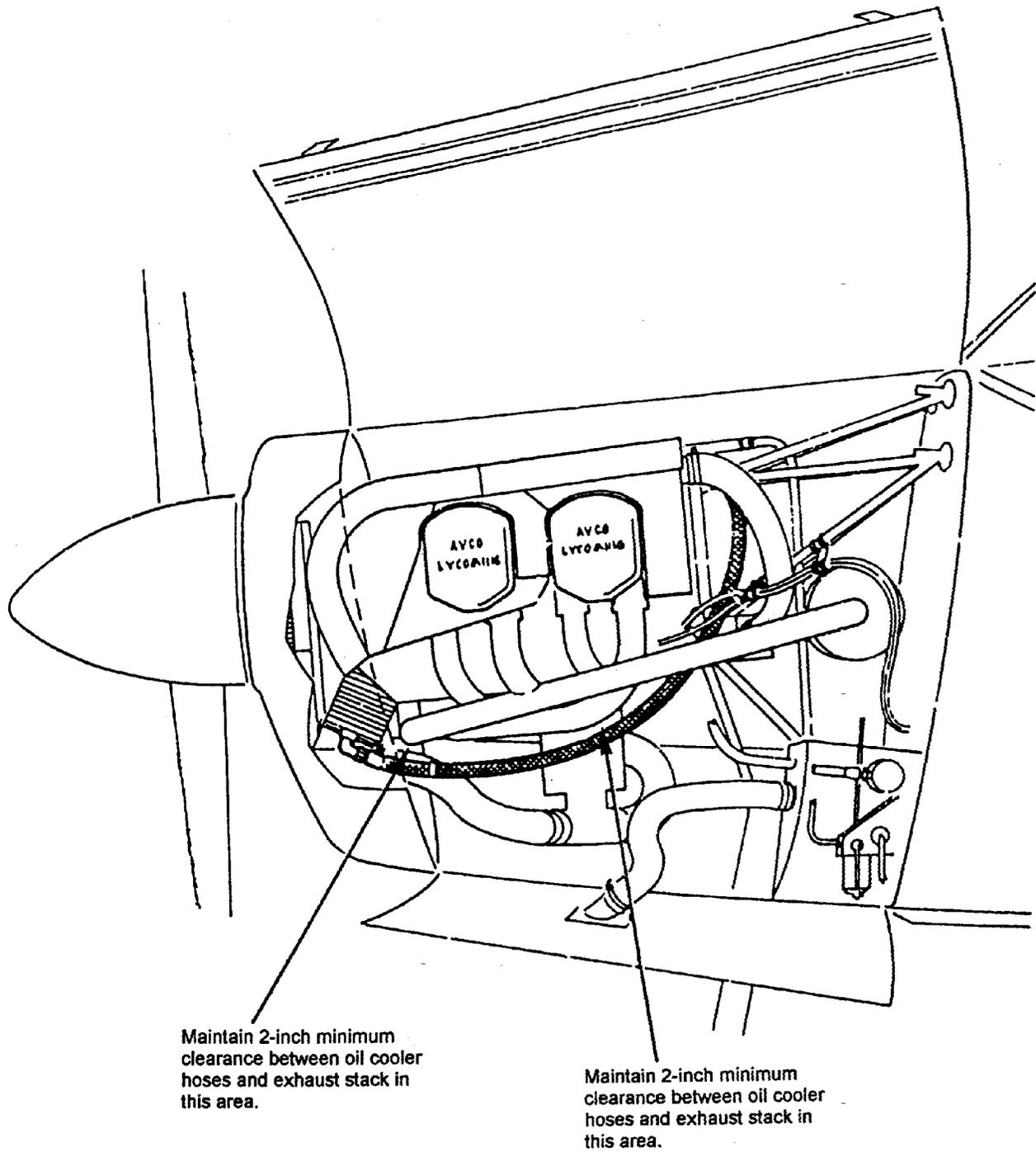


Figure 1

(b) Upon the accumulation of 8 years or 1,000 hours TIS on the oil cooler assembly, whichever occurs first, and thereafter at every 8 years or 1,000 hours TIS (whichever occurs first), accomplish one of the following:

(1) Replace the oil cooler hose assembly with a part number specified in the APPLICABILITY section of this AD, and reinspect in accordance with paragraph (a) of this AD at intervals not to exceed 100 hours TIS; or

(2) Replace the oil cooler assembly with an approved TSO-C53a, Type D, hose assembly ensuring that there is a minimum of 2 inches between the oil cooler hoses and exhaust stacks (as applicable) upon installation.

(c) The replacement specified in paragraph (b)(2) of this AD may be accomplished at any time prior to the 8-year or 1,000-hour compliance time as terminating action for the 100-hour TIS repetitive inspection requirement of this AD.

(d) After adjusting or installing oil cooler hoses, prior to further flight, run the engine for 5 minutes to ensure that there are no oil leaks and that the 2-inch clearance is maintained (as applicable) when the engine is warm. Prior to further flight, replace any leaking oil cooler hoses and adjust the clearance accordingly.

Note 3: Although not required by this AD, it is recommended that a hose flexibility test be accomplished at each 100-hour TIS inspection interval. Hose flexibility may be determined by gently lifting the hose in several places from the bottom of its downward arc to the oil cooler. If the hose moves slightly either from side-to-side or upward with the hand at the center of an even arc, then some flexibility remains. If the hose appears hardened or inflexible, hose replacement is recommended.

(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) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(g) Figure 1 of this AD may be obtained from the Atlanta ACO at the address specified in paragraph (f) of this AD. This document or any other information that relates to this AD may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri.

(h) This amendment supersedes AD 76-25-06, Amendment 39-2788.

Issued in Kansas City, Missouri, on March 2, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-5601 Filed 3-7-95; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8-R]

RIN-0720-AA27

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Provider Certification Requirements—Corporate Services Provider Class; Occupational Therapists

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed rule presents requirements to permit payment of professional or technical health care services rendered by certain corporate providers and to self-employed occupational therapists; makes changes to clarify the general requirements for individual professional providers; and adds standard provider participation agreement provisions when such agreements are otherwise required.

DATES: Comments must be submitted on or before May 8, 1995.

ADDRESSES: Office of CHAMPUS (PDD), Aurora, CO 80045-6900.

FOR FURTHER INFORMATION CONTACT: Theresa R. Gilstrap, telephone (303) 361-1309.

SUPPLEMENTARY INFORMATION: The Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplements the availability of health care in military hospitals and clinics. Services and items allowable as CHAMPUS benefits must be obtained from CHAMPUS authorized civilian providers to be considered for CHAMPUS payment. Requirements for CHAMPUS provider authorization are published as regulation.

This amendment proposes to create a fourth class of CHAMPUS provider consisting of freestanding corporations and foundations that render principally professional ambulatory or in-home care and technical diagnostic procedures. Such organizations are currently excluded as an allowable type of CHAMPUS-authorized institutional provider, and employees of these organizations are excluded as

CHAMPUS-authorized individual professional providers.

The CHAMPUS currently has requirements for three classes of providers. The institutional provider class includes hospitals and other categories of similar facilities. The individual professional provider class includes physicians and other categories of licensed individuals who render professional services independently, and certain allied health and extra medical providers that must function under physician orders and supervision. The third class of providers consists of sellers of items and supplies of an ancillary or supplemental nature, such as durable equipment.

CHAMPUS payment depends upon a service being both allowable as a benefit and rendered by a CHAMPUS authorized provider. Consequently, it is currently possible that, for example, outpatient treatment by an occupational therapist employed by a hospital may be paid (to the hospital) while the same service provided by an employee of a freestanding clinic, home care agency, or self-employed occupational therapist is denied payment.

This administrative exclusion is difficult for beneficiaries to apply when seeking health care services because it requires an understanding of the underlying business structure of the provider. But the underlying business structure of a provider organization is important to CHAMPUS management decisions regarding quality assurance and payment methods.

Corporations, both not-for-profit and shareholder, and foundations are an alternative source of ambulatory and in-home care. The proposed addition of the corporate provider class will recognize the current range of providers within today's health care delivery structure and give beneficiaries access to another segment of the health care delivery industry.

This amendment proposes to allow qualified self-employed occupational therapists to be authorized for direct CHAMPUS payment for allowable services as individual professional providers.

This amendment proposes to more clearly establish that a professional corporation or association is not itself a provider but may file claims and receive payment on behalf of an individual professional provider member, and to more clearly state the other general requirements for these providers.

This amendment proposes to establish standard general provisions for agreements with certain providers when such agreements are otherwise required. These provisions will improve