

**§ 870.1009 Responsibilities of the U.S. Department of State.**

- (a) The U.S. Department of State functions as the "employing office" for individuals insured under this subpart.
- (b) The U.S. Department of State must determine the eligibility of individuals under Pub. L. 101-513 for insurance under this subpart. This includes determining whether an individual is barred from insurance under chapter 87 of title 5 U.S.C. because of other life insurance, as provided in section 599C of Pub. L. 101-513.

**PART 871—[REMOVED]**

2. Part 871 is removed.

**PART 872—[REMOVED]**

3. Part 872 is removed.

**PART 873—[REMOVED]**

4. Part 873 is removed.

**PART 874—[REMOVED]**

5. Part 874 is removed.

[FR Doc. 95-10778 Filed 5-2-95; 8:45 am]

BILLING CODE 6325-01-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 92-NM-75-AD]

**Airworthiness Directives;  
Construcciones Aeronauticas, S.A.  
(CASA), Model C-212-CB, -CC, -CD,  
-CE, -CF, and -DF 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 all CASA Model C-212-CB, -CC, -CD, -CE, -CF, and -DF series airplanes. This proposal would require supplemental structural inspections, and repair or replacement, as necessary, to ensure the continued airworthiness of these airplanes. This proposal is prompted by a structural reevaluation, which identified certain significant structural components to inspect for fatigue cracks as these airplanes approach and exceed the manufacturer's original fatigue design life goal. The actions specified by the proposed AD are intended to prevent reduced structural integrity of these airplanes.

**DATES:** Comments must be received by June 12, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-75-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 Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Sam Grober, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1187; fax (206) 227-1320.

**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 92-NM-75-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. 92-NM-75-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

In June 1988, the FAA sponsored a conference on aging airplane issues, which was attended by representatives of the aviation industry from around the world. It became obvious that, because of the tremendous increase in air travel, the relatively slow pace of new airplane production, and the apparent economic feasibility of operating older technology airplanes rather than retiring them, increased attention needed to be focused on this aging fleet and maintaining its continued operational safety.

The FAA, in concert with the Regional Airline Association (RAA); several U.S. and non-U.S. operators of the affected airplanes; the Dirección General de Aviación Civil (DGAC), which is the airworthiness authority for Spain; and Construcciones Aeronauticas, S.A. (CASA); has agreed to undertake the task of identifying and implementing procedures to ensure continuing structural airworthiness of aging commuter-class airplanes. This group reviewed selected service bulletins, applicable to CASA Model C-212-CB, -CC, -CD, -CE, -CF, and -DF series airplanes, to be recommended for mandatory rulemaking action to ensure the continued operational safety of these airplanes.

The group reviewed and recommended CASA Supplemental Inspection Document (SID) C-212-PV-01-SID, dated June 1, 1987 (hereinafter referred to as the "Document"), for mandatory rulemaking action. The Document describes procedures for implementing a structural inspection program, which includes inspections of the following Principal Structural Elements (PSE's) on the airplane:

1. 6 PSE's of the flap controls;
2. 24 PSE's of the fuselage structure, attach lugs and bolts, frame, and attachments;
3. 14 PSE's of the horizontal and vertical tails;
4. 14 PSE's of the wings; and
5. 8 PSE's of the engine support structure, firewall attach fittings, attach fittings to the wing, and attach bolts.

The Document also provides information addressing retirement lives, stress analysis, and fatigue inspections.

The intent of this Document is to positively address fatigue cracking of

the significant structural components described previously as these airplanes approach and exceed the manufacturer's original fatigue design life goal. Fatigue cracking of these components, if not detected and corrected in a timely manner, could result in reduced structural integrity of the airplane.

The DGAC classified the Document as mandatory and issued Spanish airworthiness directive 02-88, Revision 1, dated May 17, 1993, in order to assure the continued airworthiness of these airplanes in Spain.

Additionally, results of fatigue tests accomplished by CASA at the time of type certification of these airplanes have revealed that, for Model C-212-CB series airplanes, certain horizontal stabilizer-to-fuselage attach fittings must be replaced prior to incorporation of the SID program.

This airplane model is manufactured in Spain 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.

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 supplemental structural inspections, and repair or replacement, as necessary. The actions would be required to be accomplished in accordance with the Document described previously. This proposed AD also would require that results of these inspections, positive or negative, be reported to CASA.

This proposed AD also would require replacement of certain horizontal stabilizer to fuselage attach fittings on Model C-212-CB series airplanes. The replacement would be required to be accomplished in accordance with procedures specified in the CASA C-212 Aircraft Maintenance Manual.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in

the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

The FAA estimates that 33 airplanes of U.S. registry and 16 U.S. operators would be affected by this proposed AD.

The FAA estimates that 2 Model C-212-CB series airplanes of U.S. registry would be required to replace certain horizontal stabilizer to fuselage attach fittings. The proposed replacement would take approximately 250 work hours at an average labor rate of \$60 per work hour. Required parts would cost approximately \$18,941 per airplane. Based on these figures, the total cost of this proposed replacement to the 2 U.S. operators of Model C-212-CB series airplanes is estimated to be \$67,882, or \$33,941 per airplane.

Incorporation of the SID into an operator's maintenance program is estimated to necessitate 60 work hours at an average labor rate of \$60 per work hour. Sixteen U.S. operators would be required to incorporate the SID into their maintenance programs. Based on these figures, the total cost to these 16 U.S. operators is estimated to be \$57,600, or \$3,600 per operator.

The recurring inspections cost is estimated to be 310 work hours per airplane at an average labor rate of \$60 per work hour. Based on these figures, the recurring cost for these proposed requirements is estimated to be \$613,800 for the affected U.S. fleet, or \$18,600 per airplane.

The total 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.

The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent

operators would accomplish the required actions even if they were not required to do so by the AD.

A full cost-benefit analysis has not been accomplished for this proposed AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this proposed AD, makes a finding of an unsafe condition, this means that the original cost-beneficial level of safety is no longer being achieved and that the proposed actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this proposed AD would be redundant and unnecessary.

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. 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 adding the following new airworthiness directive:

**Construcciones Aeronauticas, S.A. (CASA):**  
Docket 92-NM-75-AD.

**Applicability:** All Model C-212-CB, -CC, -CD, -CE, -CF, and -DF series airplanes, certificated in any category.

**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 (e) 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 airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously. To prevent reduced structural integrity of the airplane, accomplish the following:

(a) For Model C-212-CB series airplanes: Prior to the accumulation of 16,500 total hours time-in-service, or within 6 months after the effective date of this AD, whichever occurs later, replace the horizontal stabilizer to fuselage attach fittings, part numbers 212-31101.05 and 212-31102.05, with part numbers 212-31122.03 and 212-31123.05, respectively, in accordance with the CASA C-212 Aircraft Maintenance Manual, Chapter 5, Section 5-20, task number 55.15.

**Note 2:** Replacement of the attach fittings on Model C-212-CB series airplanes may be accomplished by replacing part numbers 212-31101.05 and 212-31102.05 with part numbers 212-31123.30 and 212-31122.29, respectively.

(b) For all airplanes: Incorporate a revision into the FAA-approved maintenance inspection program that provides for inspection of the Principal Structural Elements (PSE) defined in CASA Supplemental Inspection Document (SID) C-212-PV-01-SID, dated June 1, 1987 (hereinafter referred to as the "Document"), at the later of the times specified in paragraphs (b)(1) and (b)(2) of this AD.

(1) Prior to the accumulation of 20,000 total landings or 20,000 total hours time-in-service, whichever occurs first. Or

(2) Within 9 months after the effective date of this AD.

(c) Any cracked structure detected during the inspections required by paragraph (b) of this AD must be repaired or replaced, prior to further flight, in accordance with the instructions in the Document, or in accordance with other data meeting the certification basis of the airplane that is approved by the FAA or by the Dirección General de Aviación Civil (DGAC).

(d) Within 10 days after accomplishing each inspection required by paragraph (b) of this AD, report the results (positive or negative) of each inspection required by paragraph (b) of this AD to CASA in accordance with the Document. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(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, 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, 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 April 27, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-10828 Filed 5-2-95; 8:45 am]

BILLING CODE 4910-13-U

### 14 CFR Part 39

[Docket No. 95-NM-35-AD]

#### **Airworthiness Directives; Boeing Model 727-100 and -200 Series Airplanes Equipped With an Engine Nose Cowl Installed in Accordance With Supplemental Type Certificate (STC) SA4363NM**

**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 Boeing Model 727-100 and -200 series airplanes. This proposal would require replacing the attach-nutplates on certain engine nose cowls with washers and self-locking nuts. This proposal is prompted by reports indicating that nose cowls separated (or nearly separated) from the engines of certain airplanes following failure of the engine fan blade and subsequent vibration of the engine, which caused loosening of the attach bolts on the nose cowl of the engine. The actions specified by the proposed AD are intended to prevent the attach bolts from becoming loose, which could result in subsequent separation of the nose cowl from the engine.

**DATES:** Comments must be received by June 12, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-35-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from VALSAN Partnership Ltd., Aviation Products Management, Product Support Office, 39450 Third Street East, suite 121, Palmdale, California 93550. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Phil Forde, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2771; fax (206) 227-1181.

#### **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.