

Subpart L—Disability Retirement

2. Section 831.1204 is revised to read as follows:

§ 831.1204 Filing disability retirement applications: General.

(a) Except as provided in paragraphs (c) and (d) of this section, an application for disability retirement is timely only if it is filed with the employing agency before the employee or Member separates from service, or with the employing agency or OPM within 1 year thereafter.

(b) An application for disability retirement that is filed with OPM or an employing agency by personal delivery is considered filed on the date on which OPM or the employing agency receives it. The date of filing by facsimile is the date of the facsimile. The date of filing by mail is determined by the postmark date; if no legible postmark date appears on the mailing, the application is presumed to have been mailed 5 days before its receipt, excluding days on which the receiving office is closed for business. The date of filing by commercial overnight delivery is the date the application is given to the overnight delivery service.

(c) An application for disability retirement that is filed with OPM or the applicant's former employing agency within 1 year after the employee's separation, and that is incompletely executed or submitted in a letter or other form not prescribed by OPM, is deemed timely filed. OPM will not adjudicate the application or make payment until the application is filed on a form prescribed by OPM.

(d) OPM may waive the 1-year time limit if the employee or Member is mentally incompetent on the date of separation or within 1 year thereafter, in which case the individual or his or her representative must file the application with the former employing agency or OPM within 1 year after the date the individual regains competency or a court appoints a fiduciary, whichever is earlier.

(e) An agency may consider the existence of a pending disability retirement application when deciding whether and when to take other personnel actions. An employee's filing for disability retirement does not require the agency to delay any appropriate personnel action.

PART 844—FEDERAL EMPLOYEES' RETIREMENT SYSTEM—DISABILITY RETIREMENT

3. The authority citation for part 844 is revised to read as follows:

Authority: 5 U.S.C. 8461; § 844.201 also issued under 5 U.S.C. 1104.

Subpart A—General Provisions

4. In section 844.201, paragraphs (a) and (c) are revised to read as follows:

§ 844.201 General requirements.

(a)(1) Except as provided in paragraphs (a)(3) and (a)(4) of this section, an application for disability retirement is timely only if it is filed with the employing agency before the employee or Member separates from service, or with the employing agency or OPM within 1 year thereafter.

(2) An application for disability retirement that is filed with OPM or an employing agency by personal delivery is considered filed on the date on which OPM or the employing agency receives it. The date of filing by facsimile is the date of the facsimile. The date of filing by mail is determined by the postmark date; if no legible postmark date appears on the mailing, the application is presumed to have been mailed 5 days before its receipt, excluding days on which OPM or the employing agency, as appropriate, is closed for business. The date of filing by commercial overnight delivery is the date application is given to the overnight delivery service.

(3) An application for disability retirement that is filed with OPM or the applicant's former employing agency within 1 year after the employee's separation, and that is incompletely executed or submitted in a letter or other form not prescribed by OPM, is deemed timely filed. OPM will not adjudicate the application or make payment until the application is filed on a form prescribed by OPM.

(4) OPM may waive the 1-year time limit if the employee or Member is mentally incompetent on the date of separation or within 1 year thereafter, in which case the individual or his or her representative must file the application with the former employing agency or OPM within 1 year after the date the individual regains competency or a court appoints a fiduciary, whichever is earlier.

(c) An agency may consider the existence of a pending disability retirement application when deciding whether and when to take other personnel actions. An employee's filing for disability retirement does not require the agency to delay any appropriate personnel action.

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

[Docket No. 96-NM-269-AD]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F28 Mark 0100 and 0070 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to all Fokker Model F28 Mark 0100 and 0070 series airplanes, that currently requires revising the Airplane Flight Manual (AFM) to include information that will enable the flightcrew to identify failures of the emergency direct current (DC)/alternating current (AC) bus power supply and to take appropriate corrective actions. That AD was prompted by one report indicating that a diode failed, which resulted in battery drain and loss of the emergency DC bus power supply; and another report indicating that the circuit breaker of the transformer rectifier unit No. 3 tripped, which resulted in the loss of the emergency DC/AC bus power supply. This action would require a new terminating modification for the existing AFM revisions. This action would also require a new AFM revision to inform the flightcrew that, under certain conditions, an "EMER DC BUS" warning on the multi-function display unit (MFDU) will occur, and to take appropriate corrective actions. The actions specified by the proposed AD are intended to prevent failures of the emergency DC/AC bus power supply, which could reduce the ability of the flightcrew to control the airplane.

DATES: Comments must be received by February 25, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-269-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 Fokker Service B.V., Technical Support Department, P.O. Box 75047, 1117 ZN

Schipol Airport, The Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2141; 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-269-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-269-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On October 4, 1995, the FAA issued AD 95-21-10, amendment 39-9396 (60 FR 53110, October 12, 1995), applicable to all Fokker Model F28 Mark 0100 and 0070 series airplanes. That AD requires revising the Abnormal and Normal Procedures Sections of the FAA-approved Airplane Flight Manual

(AFM) to include information that will enable the flightcrew to identify failures of the emergency direct current (DC)/alternating current (AC) bus power supply and to take appropriate corrective actions. That action was prompted by one report indicating that a diode failed, which resulted in battery drain and loss of the emergency DC bus power supply; and another report indicating that the circuit breaker of the transformer rectifier unit No. 3 tripped, which resulted in the loss of the emergency DC/AC bus power supply. The requirements of that AD are intended to ensure that the flightcrew is advised of the potential hazard related to failures of the emergency bus power supply, and the procedures necessary to address it.

In the preamble to AD 95-21-10, the FAA specified that the actions required by that AD were considered "interim action" and that the manufacturer was developing a modification to positively address the unsafe condition. The FAA indicated that it may consider further rulemaking once the modification was developed, approved, and available. The manufacturer now has developed such a modification, and the FAA has determined that further rulemaking action is necessary; this proposed AD follows from that determination.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, Fokker has issued Service Bulletin SBF100-24-032, dated September 12, 1996, which describes procedures for modification of the DC bus transfer system. For certain airplanes, the modification involves removal of diode CR3; replacement of the DC bus 1 circuit breaker and TRU 3 circuit breaker of the DC emergency bus supply, and replacement of the essential circuit breaker of the AC bus supply. The modification also involves replacement of the two battery power contactors (BPC) with a single BPC and addition of a control relay to the DC emergency bus system. For all airplanes, the modification involves alteration of the wiring to detect a battery drain. The modification will improve the switching logic of the emergency DC bus. Accomplishment of this modification would eliminate the need for the AFM revisions required by AD 95-21-10.

In addition, Fokker has developed procedural information, for inclusion in the Abnormal Procedures Section of the AFM for the affected airplanes, to inform the flightcrew that an "EMER DC BUS" warning on the multi-function display unit (MFDU) will occur when the emergency DC bus is transferred to battery power, and to take appropriate corrective actions.

Accomplishment of the modification and the new AFM revision will positively address the unsafe condition identified as failures of the emergency DC/AC bus power supply, which could lead to loss of on-side displays, autopilot, pressure control, and all communications; this situation could reduce the ability of the flightcrew to control the airplane.

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, classified these service bulletins and the AFM revision as mandatory and issued Netherlands airworthiness directive (BLA) 1995-089/4 (A), dated September 30, 1996, in order to assure the continued airworthiness of these airplanes in the Netherlands.

FAA's Conclusions

These airplanes are manufactured in the Netherlands and are 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 RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, 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 supersede AD 95-21-10. It would continue to require revising the Abnormal and Normal Procedures Sections of the FAA-approved AFM to include information that will enable the flightcrew to identify failures of the emergency DC/AC bus power supply and to take appropriate corrective actions. However, the proposed AD also would require modification of the DC bus transfer system, which would terminate the existing requirements for the AFM revisions. The modification would be required to be accomplished in accordance with the service bulletin described previously.

Following accomplishment of the modification, the proposed AD also would require revising the Abnormal Procedures Section of the AFM to inform the flightcrew that an "EMER DC BUS" warning on the multi-function

display unit (MFDC) will occur when the emergency DC bus is transferred to battery power, and to take appropriate corrective actions.

Cost Impact

There are approximately 132 Fokker Model F28 Mark 0100 and 0070 series airplanes of U.S. registry that would be affected by this proposed AD.

The actions that are currently required by AD 95-21-10, and retained in this proposed AD, would 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 the currently required actions on U.S. operators is estimated to be \$7,920, or \$60 per airplane.

The modification of the DC bus transfer system that is proposed in this new AD would take approximately 17 (Part 1) or 5 (Part 2) work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. The cost of required parts could range from \$160 to as much as \$2,360 per airplane. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be between \$460 and \$3,380 per airplane.

The AFM revision that is proposed in this new AD would 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 the AFM revision proposed by this AD on U.S. operators is estimated to be \$7,920, or \$60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or 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 removing amendment 39-9396 (60 FR 53110, October 12, 1995), and by adding a new airworthiness directive (AD), to read as follows:

Fokker: Docket 96-NM-269-AD. Supersedes AD 95-21-10, Amendment 39-9396.

Applicability: All Model F28 Mark 0100 and 0070 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 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 (g) 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 failures of the emergency DC/AC bus power supply, which could reduce the ability of the flightcrew to control the airplane, accomplish the following:

RESTATEMENT OF ACTIONS REQUIRED BY AD 95-21-10, AMENDMENT 39-9396

Note 2: For Model F28 Mark 0070 series airplanes, on which the procedures specified in Fokker Service Bulletins SBF100-24-033 and SBF100-24-034 have been accomplished, the AFM revisions required by

paragraphs (a), (b), and (c) of this AD may be removed from the AFM.

Note 3: For Model F28 Mark 0100 series airplanes, on which the procedures specified in Fokker Service Bulletin SBF100-24-030 have not been accomplished, or on which the procedures specified in Fokker Service Bulletin SBF100-24-033 have been accomplished; the AFM revisions required by paragraphs (a), (b), and (c) of this AD may be removed from the AFM.

(a) For all airplanes: Within 7 days after October 27, 1995 (the effective date of AD 95-21-10, amendment 39-9396), revise the Abnormal Procedures 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 in the AFM.

"Section 4—Abnormal Procedures

Add to Sub-section 4.04—Electrical Power

STANDBY ANNUNCIATOR PANEL RED AC SUPPLY LIGHT "ON"

On overhead electrical panel:

GEN LOAD.....CHECK

- If all generator loads are approximately zero:

LOSS OF AC SUPPLY

PROCEDUREAPPLY

- If not all generator loads are approximately zero:

DC EMER BUS SUPPLY TRU3

CIRCUIT BREAKER.....CHECK

- If circuit breaker has tripped:

DC EMER BUS SUPPLY TRU3

CIRCUIT BREAKER.....RESET

- If reset is unsuccessful:

L and R AUDIOALTN

Anticipate the effects of an eventual EMER DC BUS failure, see EMER DC BUS FAULT procedure.

- If circuit breaker has not tripped:

L and R AUDIOALTN

Anticipate the effects of an eventual EMER DC BUS failure, see EMER DC BUS FAULT procedure."

(b) For all airplanes: Within 7 days after October 27, 1995, revise the Normal Procedures Section of the FAA-approved AFM to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

"Section 5—Normal Procedures

Insert in front of Sub-section 5.01.01—Take-off

- After engine start, select the Standby Annunciator Panel (SAP) backup mode ON via the BACKUP p/b at the SAP.

- Keep the SAP in the backup mode for the whole duration of flight until engine shutdown.

- Monitor the SAP.

Note: Failure conditions as presented on the SAP bypass the Flight Warning Computer (FWC) are not subject to alert inhibition. Be aware that the red LG light on the SAP will illuminate in case one or both thrustlever(s) are below the minimum take-off position and the landing gear is not down."

(c) For all Model F28 Mark 0070 series airplanes; and Model F28 Mark 0100 series

airplanes, in pre-SBF100-24-009 configuration or in post SBF100-24-030 configuration: Within 7 days after October 27, 1995, revise the Abnormal Procedures Section of the FAA-approved AFM to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

“Section 4—Abnormal Procedures

Add to Sub-section 4.04—Electrical Power

ERRATIC ELECTRICAL SYSTEM BEHAVIOR

In case of continuous rattling sound, caused by the fast switching of relays and accompanied by blanking or erratic behavior of the three displays on the electric panel:

BATTERIES—SELECT MOMENTARILY OFF, THEN ON

AFFECTED SYSTEMS—RESTORE IF REQD

If the red AC SUPPLY light on the SAP comes ON:

SAP RED AC SUPPLY LIGHT ‘ON’ PROCEDURE—APPLY”

NEW ACTIONS REQUIRED BY THIS AD

(d) For Model F28 Mark 0070 and 0100 series airplanes, as listed in Fokker Service Bulletin SBF100-24-032, dated September 12, 1996: Within 12 months after the effective date of this AD, modify the DC bus transfer system in accordance with Fokker Service Bulletin SBF100-24-032, dated September 12, 1996. Prior to further flight following accomplishment of this modification, accomplish paragraph (e) of this AD.

Note 4: For Fokker Model F28 Mark 0070 series airplanes, Fokker Service Bulletin SBF100-24-032 recommends prior or concurrent accomplishment of the procedures specified in Fokker Service Bulletin SBF100-24-034, dated October 17, 1995, or Revision 1, dated September 12, 1996 (which is currently required by AD 96-26-03, amendment 39-9866).

(e) Revise the Abnormal Procedures Section of the FAA-approved AFM to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

“Section 4—Abnormal Procedures

Sub-section 4.04.05—Electrical Power—Bus Equipment List

Insert a marker in each Bus Equipment List table, at the top of the column marked: **EMERGENCY—DC.**

Add the following note at the beginning of the affected sub-section:

Note: When an “EMER DC BUS” fault is presented on the multi-function display unit (MFDU), check whether the electric panel digital readouts are operative.

- If operative, the EMER DC bus is supplied from the battery chargers via the batteries for 90 minutes and all services connected to this bus will remain available. After this time period, batteries will start to discharge and the effects of an EMER DC BUS fault should then be expected.

- If inoperative, continue with the EMER DC BUS FAULT procedure.

At the bottom of each succeeding page (Bus Equipment List table) of sub-section 4.04.05, make a clear reference to the note marked

located at the beginning of sub-section 4.04.05.”

(f) Accomplishment of the modification in accordance with paragraph (d) of this AD constitutes terminating action for the requirements of paragraphs (a), (b), and (c) of this AD. After the modification has been accomplished, the previously required AFM revision may be removed from the AFM.

(g) 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, 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 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(h) 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 January 9, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-1029 Filed 1-15-97; 8:45 am]

BILLING CODE 4910-13-U

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1210

Multi-Purpose Lighters; Advance Notice of Proposed Rulemaking; Request for Comments and Information

AGENCY: Consumer Product Safety Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Commission has reason to believe that unreasonable risks of injury and death may be associated with multi-purpose lighters that can be operated by children under age 5. Multi-purpose lighters are butane-fueled lighters with an extended nozzle from which the flame is emitted. These lighters typically are used to light devices such as charcoal and gas grills and fireplaces. The Commission is aware of 53 fires from January 1988 through October 1996 that were started by children under age 5 using multi-purpose lighters. These fires resulted in 10 deaths and 24 injuries. This advance notice of proposed rulemaking

(“ANPR”) initiates a rulemaking proceeding under the authority of the Consumer Product Safety Act (“CPSA”). One result of the proceeding could be the promulgation of a rule mandating performance standards for the child-resistance of the operating mechanism of multi-purpose lighters.

The Commission solicits written comments from interested persons concerning the risks of injury and death associated with multi-purpose lighters, the regulatory alternatives discussed in this notice, other possible means to address these risks, and the economic impacts of the various regulatory alternatives. The Commission also invites interested persons to submit an existing standard, or a statement of intent to modify or develop a voluntary standard, to address the risks of injury and death described in this notice.

DATES: Written comments and submissions in response to this notice must be received by the Commission by March 17, 1997.

ADDRESSES: Comments should be mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207-0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland; telephone (301) 504-0800. Comments should be captioned “ANPR for Multi-Purpose Lighters.”

FOR FURTHER INFORMATION CONTACT: Barbara Jacobson, Directorate for Epidemiology and Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0477, ext. 1206.

SUPPLEMENTARY INFORMATION:

A. Background

Multi-purpose lighters are butane-filled lighters with an extended nozzle, typically 4 to 8 inches long, from which the flame is emitted. The long nozzle allows the user to reach hard-to-light places and also keeps the user's hand away from the flames. Multi-purpose lighters are usually nonrefillable. The lighters are activated by applying pressure to a trigger or button mechanism, which initiates fuel flow and causes a piezo-electric spark. They are most commonly used to light charcoal or gas grills and fireplaces. The lighters also are used to light campfires, camp stoves, LP gas ranges in recreational vehicles, and pilot lights in household gas appliances. Most multi-purpose lighters now sold include some type of on/off switch. Usually, this is a two-position slider-type switch that