

part 5.1 as of November 24, 1993 (58 FR 54947, October 25, 1993). Copies may be obtained from Lockheed Aeronautical Systems Support Company, Field Support Department, Dept. 693, Zone 0755, 2251 Lake Park Drive, Smyrna, Georgia 30080. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2-160, College Park, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on May 15, 1996.

Issued in Renton, Washington, on March 28, 1996.

Bill R. Boxwell,

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

[FR Doc. 96-8584 Filed 4-12-96; 8:45 am]

BILLING CODE 4910-13-P

#### 14 CFR Part 39

[Docket No. 92-NM-75-AD; Amendment 39-9564; AD 96-07-14]

#### **Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-CB, -CC, -CD, -CE, and -CF Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all CASA Model C-212-CB, -CC, -CD, -CE, and -CF series airplanes, that requires supplemental structural inspections, and repair or replacement, as necessary, to ensure the continued airworthiness of these airplanes. This amendment 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 this AD are intended to prevent reduced structural integrity of these airplanes.

**DATES:** Effective May 15, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 15, 1996.

**ADDRESSES:** The service information referenced in this AD may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. 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:** Gregory Dunn, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2799; fax (206) 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 all CASA Model C-212-CB, -CC, -CD, -CE, and -CF series airplanes was published in the Federal Register on May 3, 1995 (60 FR 21772). That action proposed to require supplemental structural inspections, and repair or replacement, as necessary. That action also proposed to require that results of these inspections, positive or negative, be reported to CASA. Additionally, the action proposed to require replacement of certain horizontal stabilizer-to-fuselage attach fittings on Model C-212-CB series airplanes.

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

Three commenters request that Model C-212-DF series airplanes be removed from the applicability of the proposed AD. The commenters remark that those airplanes are not included in the effectivity listing of CASA Supplemental Inspection Document (SID) C-212-PV-01-SID, dated June 1, 1987 (hereinafter referred to as the "Document"). Further, that airplane model is far from achieving the thresholds specified in the Document. Additionally, a revision of the Document is in progress currently; that revision will address the special features of that model. The FAA concurs with the commenters' request for the reasons presented, and has revised the final rule accordingly. The FAA may consider further rulemaking relevant to that model.

These commenters also request that the compliance time for replacement of the horizontal stabilizer-to-fuselage attach fittings, as specified in paragraph (a) of the proposed AD, be revised from "16,500 total hours time-in-service" to "16,500 total landings," in order to be consistent with Spanish airworthiness directive 2-88, Revision 1, dated May 17, 1993. The FAA concurs with the commenters' request, and finds that the compliance time in terms of landings is more appropriate. The FAA has revised

paragraph (a) of the final rule accordingly.

One commenter requests that the compliance time for revising the maintenance inspection program, as specified in paragraph (b)(1) of the proposed AD, be revised from "20,000 total landings or 20,000 total hours time-in-service, whichever occurs first" to "20,000 total landings" only. The commenter considers this request necessary in order to ensure that the threshold specified in proposed AD is consistent with that specified in the Document. The FAA does not concur with the commenter's request. The FAA's intent is that the compliance times specified in this AD be consistent with those of Spanish airworthiness directive 2-88, Revision 1, dated May 17, 1993. The FAA finds that the compliance time, as presented in the proposal and in the Spanish airworthiness directive, is more appropriate for initiating timely detection and correction of problems associated with fatigue in the affected components. Therefore, the compliance times specified in paragraph (b)(1) of the final rule have not been changed.

Two commenters, the manufacturer and the foreign airworthiness authority, request that the FAA add a note to the proposed AD to indicate that the thresholds and intervals specified in AD 89-02-08 R1, amendment 39-6280 (54 FR 1341, January 13, 1989), for accomplishment of certain requirements associated with the flap control system are more restrictive than the thresholds and intervals specified in the Document and in this proposed AD for accomplishment of the same requirements. The commenters request that a note be included in the AD in order to avoid confusion among the operators of the affected airplanes. The FAA concurs that clarification is necessary. The FAA acknowledges that certain thresholds and intervals specified in the Document for inspection of the flap control system may overlap with those specified in AD 89-02-08 R1. The FAA has revised paragraph (b) of this final rule to add a note specifying that where such differences exist, the thresholds and intervals specified in AD 89-02-08 R1 prevail.

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 with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

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

The FAA estimates that 2 Model C-212-CB series airplanes of U.S. registry will be required to replace certain horizontal stabilizer-to-fuselage attach fittings. The required replacement will take approximately 250 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$18,941 per airplane. Based on these figures, the cost impact of the required replacement on 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 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 requirements is estimated to be \$613,800 for the affected U.S. fleet, or \$18,600 per airplane.

The cost impact figure discussed above is 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.

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 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 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 AD would be redundant and unnecessary.

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 USC 106(g), 40113, 44701.

### **§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

96-07-14 Construcciones Aeronauticas, S.A. (CASA): Amendment 39-9564. Docket 92-NM-75-AD.

*Applicability:* All Model C-212-CB, -CC, -CD, -CE, and -CF 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 (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 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 landings, 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.

Note 3: Certain thresholds and intervals for inspections of the wing flap control system required by AD 89-02-08 R1, amendment 39-6280, are more restrictive than those specified in the Document. Where differences exist, the thresholds and intervals specified in AD 89-02-08 R1 prevail.

(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 4: 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.

(g) The maintenance program revision shall be done in accordance with CASA Supplemental Inspection Document (SID) C-212-PV-01-SID, dated June 1, 1987.

Note: The date of Volumes 2 and 3 of the SID is indicated only on the title page of the volume.

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 Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. 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.

(h) This amendment becomes effective on May 15, 1996.

Issued in Renton, Washington, on March 28, 1996.

Bill R. Boxwell,

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

[FR Doc. 96-8535 Filed 4-12-96; 8:45 am]

BILLING CODE 4910-13-P

#### 14 CFR Part 39

[Docket No. 95-SW-19-AD; Amendment 39-9569; AD 96-08-03]

#### Airworthiness Directives; Flight Trails Helicopters, Inc. Hardpoint Assemblies Installed on McDonnell Douglas Helicopter Systems Model 369D, 369E, 369F, 369FF, and 500N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to Flight Trails Helicopters, Inc. hardpoint assemblies, installed in accordance with Supplemental Type Certificate (STC) No. SH6080NM, or in accordance with Federal Aviation Administration (FAA) Form 337, "Major Repair and Alteration," approved on McDonnell Douglas Helicopter Systems (MDHS) Model 369D, 369E, 369F, 369FF, and 500N helicopters, that requires removing any Flight Trails Helicopters, Inc. hardpoint assembly not identified by part number (P/N) and serial number (S/N). This amendment is prompted by two incidents in which the hardpoint assembly used to support a search light or night vision system reportedly failed. The actions specified by this AD are intended to prevent failure of the hardpoint assembly, separation of the hardpoint assembly from the helicopter, and subsequent contact between the hardpoint assembly and the fuselage or rotor system of the helicopter.

**EFFECTIVE DATE:** May 20, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Wang, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California 90712, telephone (310) 627-5303, fax (310) 627-5210.

**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 Flight Trails Helicopters, Inc. hardpoint assemblies installed in accordance with STC No. SH6080NM, or in accordance with FAA Form 337, "Major Repair and Alteration," approved on MDHS Model 369D, 369E, 369F, 369FF, and 500N helicopters, was published in the Federal Register on September 19, 1995 (60 FR 48428). That action proposed to require, before further flight, removing the hardpoint assemblies not marked by a part number and a serial number from the affected helicopters. These hardpoint assemblies are used to secure a searchlight or night vision system to the affected helicopter.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed, except for adding the -1 and -2 to further identify the jacking fitting part number. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of this AD.

The FAA estimates that 59 helicopters of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per helicopter to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$3,540.

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, 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: