

through (4) of this section. In addition, any person applying for employment with the FDIC shall provide as an attachment to the certification any instance in which the applicant, or a company under the applicant's control, defaulted on a material obligation to an insured depository institution within the preceding five years.

(c) Incumbent employees who separate from the FDIC and are subsequently reappointed after a break in service of more than three days are subject to the minimum standards listed in paragraphs (a)(1) through (4) of this section. The former employee is required to submit a new certification statement including attachments, as provided in paragraph (b) of this section, prior to appointment to the new position.

§ 336.5 Minimum standards for employment with the FDIC.

(a) No person who is employed by the FDIC shall continue in employment in any manner whatsoever or perform any service for or on behalf of the FDIC who, beginning June 18, 1994 and thereafter:

- (1) Is convicted of any felony;
- (2) Is prohibited from participating in the affairs of any insured depository institution pursuant to any final enforcement action by any appropriate federal banking agency;
- (3) Demonstrates a pattern or practice of defalcation regarding obligations to insured depository institution(s); or
- (4) Causes a substantial loss to federal deposit insurance funds.

(b) Any noncompliance with the standards listed in paragraphs (a)(1) through (4) of this section is a basis for removal from employment with the FDIC.

§ 336.6 Verification of compliance.

The FDIC's Division of Administration shall order appropriate investigations as authorized by 12 U.S.C. 1819 and 1822 on newly appointed employees, either prior to or following appointment, to verify compliance with the minimum standards listed under § 336.4(a)(1) through (4).

§ 336.7 Employee responsibility, counseling and distribution of regulation.

(a) Each employee is responsible for being familiar with and complying with the provisions of this part.

(b) The Ethics Counselor shall provide a copy of this part to each new employee within 30 days of initial appointment.

(c) An employee who believes that he or she may not be in compliance with the minimum standards provided under

§ 336.5(a)(1) through (4), or who receives a demand letter from the FDIC for any reason, shall make a written report of all relevant facts to the Ethics Counselor within ten (10) business days after the employee discovers the possible noncompliance, or after the receipt of a demand letter from the FDIC.

(d) The Ethics Counselor shall provide guidance to employees regarding the appropriate statutes, regulations and corporate policies affecting employee's ethical responsibilities and conduct under this part.

(e) The Ethics Counselor shall provide the Personnel Services Branch with notice of an employee's noncompliance.

§ 336.8 Sanctions and remedial actions.

(a) Any employee found not in compliance with the minimum standards except as provided in paragraph (b) of this section below shall be terminated and prohibited from providing further service for or on behalf of the FDIC in any capacity. No other remedial action is authorized for sanctions for noncompliance.

(b) Any employee found not in compliance with the minimum standards under § 336.5(a)(3) based on financial irresponsibility as defined in § 336.3(i)(1) shall be terminated consistent with applicable procedures and prohibited from providing future services for or on behalf of the FDIC in any capacity, unless the employee brings him or herself into compliance with the minimum standards as provided in paragraphs (b)(1) and (2) of this section.

(1) Upon written notification by the Corporation of financial irresponsibility, the employee will be allowed a reasonable period of time to establish an agreement that satisfies the creditor and the FDIC as to resolution of outstanding indebtedness or otherwise resolves the matter to the satisfaction of the FDIC prior to the initiation of a termination action.

(2) As part of the agreement described in paragraph (b)(1) of this section, the employee shall provide authority to the creditor to report any violation by the employee of the terms of the agreement directly to the FDIC Ethics Counselor.

§ 336.9 Finality of determination.

Any determination made by the FDIC pursuant to this part shall be at the FDIC's sole discretion and shall not be subject to further review.

By order of the Board of Directors.

Dated at Washington, D.C. this 14th day of May 1996.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 96-14001 Filed 6-5-96; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-CE-23-AD; Amendment 39-9645; AD 96-12-03]

RIN 2120-AA64

Airworthiness Directives; Aviat Aircraft, Inc. Models S-1S, S-1T, S-2, S-2A, S-2S, and S-2B Airplanes (Formerly Known as Pitts Models S-1S, S-1T, S-2, S-2A, S-2S, and S-2B Airplanes)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Aviat Aircraft, Inc. (Aviat) Models S-1S, S-1T, S-2, S-2A, S-2S, and S-2B airplanes that are equipped with aft lower fuselage wing attach fittings incorporating either part number (P/N) 76090, 2-2107-1, or 1-210-102. This action requires repetitively inspecting the aft lower fuselage wing attach fitting on both wings for cracks and modifying any cracked aft lower fuselage wing attach fitting. Modifying the aft lower fuselage wing attach fitting on both wings eliminates the repetitive inspection requirement of the AD. Several reports of cracked fuselage wing attach fittings on the affected airplanes prompted this action. The actions specified by this AD are intended to prevent possible in-flight separation of the wing from the airplane caused by a cracked fuselage wing attach fitting.

DATES: Effective June 24, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 24, 1996.

Comments for inclusion in the Rules Docket must be received on or before August 9, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96-CE-23-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Aviat Aircraft, Inc., P.O. Box 1240 (postal service delivery), 672 South Washington Street (express mail), Afton, Wyoming 83110. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96-CE-23-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Caldwell, Aerospace Engineer, FAA, Denver Aircraft Certification Office, 5440 Roslyn Street, suite 133, Denver, Colorado 80216; telephone (303) 286-5683; facsimile (303) 286-5689.

SUPPLEMENTARY INFORMATION:

Events Leading to the AD

The FAA has received 11 reports of the aft lower fuselage wing attach fittings cracking on Aviat Models S-1S, S-1T, S-2, S-2A, S-2S, and S-2B airplanes. Five of these incidents were reported on in-service airplanes and six were found defective during Aviat's in-house manufacturing process. Each of the cracked aft lower fuselage wing attach fittings incorporate either part number (P/N) 76090, P/N 2-2107-1, or P/N 1-210-102. If not detected and corrected, a cracked aft lower fuselage wing attach fitting could lead to in-flight separation of the wing from the airplane.

Further analysis of the design of the P/N 76090, 2-2107-1, and 1-210-102 aft lower fuselage wing attach fittings reveals a bend radius that could reduce the fatigue life and subsequently make the parts more susceptible to cracking. Aviat started manufacturing airplanes in 1990 with aft lower fuselage wing attach fittings with a larger bend radius. The FAA has received no reports of cracking on airplanes incorporating attach fittings that incorporate this larger bend radius design.

Aviat has issued Service Bulletin (SB) No. 25, dated April 3, 1996, which specifies procedures for inspecting and modifying the aft lower fuselage wing attach fittings incorporating either P/N 76090, 2-2107-1, and 1-210-102.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent possible in-flight separation of the wing from the airplane caused by a cracked fuselage wing fitting.

Explanation of the Provisions of the AD

Since an unsafe condition has been identified that is likely to exist or develop in other Aviat Models S-1S, S-1T, S-2, S-2A, S-2S, and S-2B airplanes of the same type design that are equipped with aft lower fuselage wing attach fittings incorporating either P/N 76090, 2-2107-1, or 1-210-102, this AD requires repetitively inspecting the aft lower fuselage wing attach fitting on both wings for cracks, and modifying any cracked aft lower fuselage wing attach fitting. Modifying the aft lower fuselage wing fitting on both wings eliminates the repetitive inspection requirement of this AD.

Accomplishment of the required actions is in accordance with Aviat SB No. 25, dated April 3, 1996.

Since a situation exists (possible in-flight separation of the wing from the airplane) that requires the immediate adoption of this regulation, it is found that notice and opportunity for public prior comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this 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 will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 AD 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. 96-CE-23-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a significant regulatory action under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

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 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

96-12-03 Aviat Aircraft, Inc.: Amendment 39-9645; Docket No. 96-CE-23-AD.

Applicability: Models S-1S, S-1T, S-2, S-2A, S-2S, and S-2B airplanes (formerly

known as Pitts Models S-1S, S-1T, S-2, S-2A, S-2S, and S-2B airplanes), all serial numbers, certificated in any category, that are equipped with aft lower fuselage wing attach fittings incorporating part number (P/N) 76090, 2-2107-1, or 1-210-102, and where these aft lower fuselage wing attach fittings on both wings have not been modified in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Aviat Service Bulletin (SB) No. 25, dated April 3, 1996.

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 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 initially within the next 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 50 hours TIS.

To prevent possible in-flight separation of the wing from the airplane caused by a cracked aft lower fuselage wing attach fitting, accomplish the following:

- (a) Inspect the aft lower fuselage wing attach fitting on both wings for cracks in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Aviat Service Bulletin (SB) No. 25, dated April 3, 1996.
- (b) If any cracked aft lower fuselage wing attach fitting is found during any inspection required by this AD, prior to further flight, modify the cracked aft lower fuselage wing attach fitting in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Aviat SB No. 25, dated April 3, 1996. Repetitive inspections are no longer necessary on a cracked aft lower fuselage wing attachment fitting that has the referenced modification incorporated.
- (c) Modifying the aft lower fuselage wing attach fitting on both wings in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Aviat SB No. 25, dated April 3, 1996, is considered terminating action for the repetitive inspection requirement of this AD.
- (d) 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.
- (e) 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, Denver Aircraft Certification Office, 5440 Roslyn Street, suite 133, Denver, Colorado 80216. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Denver ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Denver ACO.

(f) The inspection and modification (if necessary) required by this AD shall be done in accordance with Aviat Service Bulletin No. 25, dated April 3, 1996. 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 Aviat Aircraft, Inc., P.O. Box 1240 (postal service delivery), 672 South Washington Street (express mail), Afton, Wyoming 83110. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment (39-9645) becomes effective on June 24, 1996.

Issued in Kansas City, Missouri, on May 29, 1996.

Michael Gallagher,
Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-14051 Filed 6-5-96; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 90-CE-60-AD; Amendment 39-9654; AD 96-12-12]

RIN 2120-AA64

Airworthiness Directives; The New Piper Aircraft, Inc. (formerly Piper Aircraft Corporation) Models PA31, PA31-300, PA31-325, and PA31-350 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 80-22-04, which currently requires the following on The New Piper Aircraft, Inc. (Piper) Models PA31, PA31-300, PA31-325, and PA31-350 airplanes: repetitively inspecting the upper section of Fuselage Station (FS) 317.75 bulkhead for cracks, and incorporating a certain reinforcement kit if any crack is found. This action requires inspecting (one-time) the upper section of the FS 317.75 bulkhead for cracks, and incorporating one of two reinforcement kits depending on whether cracks are found in the FS 317.75 bulkhead area. Cracks found on airplanes in compliance with the inspection requirements of AD 80-22-04 and the Federal Aviation Administration's policy on aging commuter-class aircraft prompted this action. The actions specified in this AD are intended to prevent structural

failure of the vertical fin forward spar caused by cracks in the FS 317.75 bulkhead, which, if not detected and corrected, could result in loss of control of the airplane.

DATES: Effective July 16, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 16, 1996.

ADDRESSES: Service information that applies to this AD may be obtained from The New Piper Aircraft, Inc., Customer Services, 2926 Piper Drive, Vero Beach, Florida 32960. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 90-CE-60-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Christina Marsh, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7362; facsimile (404) 305-7348.

SUPPLEMENTARY INFORMATION:

Events Leading to the AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Piper Models PA31, PA31-300, PA31-325, and PA31-350 airplanes was published in the Federal Register on January 31, 1996 (61 FR 3338). The action proposed to supersede AD 80-22-04 with a new AD that would require inspecting (one-time) the upper section of the FS 317.75 bulkhead for cracks in accordance with Piper Service Bulletin No. 636A, dated August 26, 1980, and accomplishing one of the following, as applicable:

- If any crack is found, incorporating Piper Kit 764-028 in accordance with the instructions to that kit, revised June 18, 1990; or
- If no crack is found, incorporating Piper Kit 763-917 in accordance with the instructions to that kit, revised June 18, 1990.

Cracks found on airplanes in compliance with the inspection requirements of AD 80-22-04 prompted the proposal.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the