

# Proposed Rules

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

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 213

RIN 3206-AH67

### Excepted Service—Schedule A Authority for Temporary Organizations

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed regulations.

**SUMMARY:** The Office of Personnel Management (OPM) proposes to amend the Schedule A excepted service appointing authority used by agencies to fill positions in temporary organizations at GS-15 and below. These regulations would delete the maximum grade level limitation to permit agencies to make such appointments also to Senior Level positions.

**DATES:** Comments must be received on or before January 31, 1997.

**ADDRESSES:** Send or deliver written comments to Mary Lou Lindholm, Associate Director for Employment, Office of Personnel Management, Room 6F08, 1900 E Street, NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** Sylvia Cole on (202) 606-0830, TDD (202) 606-0023, or FAX (202) 606-2329.

**SUPPLEMENTARY INFORMATION:** The Schedule A authority for appointing staff in temporary organizations was established in 1979. It permits agencies to fill positions on the staffs of temporary boards and commissions established by law or Executive order for specified periods not to exceed 4 years. The authority also permits appointments in temporary organizations established within existing agencies to perform work outside the agency's continuing responsibilities. Currently appointments can only be made at GS-15 and below.

OPM has authority to except positions under Schedule A when examining for them is impracticable. Temporary boards and commissions established by law or Executive order need to be

staffed and become operational immediately. The urgency of the staffing needs does not permit use of normal appointment procedures.

When the authority was originally established there was no need to include positions above GS-15, because the executive assignments system covered positions at grades GS-16, 17 and 18. Under this system positions could be filled noncompetitively in the competitive service by limited executive assignments. Agencies used this authority to appoint individuals to temporary organizations.

The Federal Employees Pay Comparability Act of 1990 abolished grades GS-16, 17, and 18, and the executive assignment system, and established the Senior Level system. Unlike the executive assignment system, the Senior Level system does not provide for noncompetitive time-limited appointments. Agencies, therefore, have no mechanism to staff temporary organizations quickly with individuals above the GS-15 level. Removal of the GS-15 limit would restore to agencies the staffing flexibility they had prior to 1990.

### Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities (including small businesses, small organizational units, and small governmental jurisdictions) because the regulations apply only to appointment procedures used to appoint certain employees in Federal agencies.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

### List of Subjects in 5 CFR Part 213

Government employees, Reporting and recordkeeping requirements.

U.S. Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM proposes to amend 5 CFR part 213 as follows:

1. The authority citation for part 213 continues to read as follows:

Authority: 5 U.S.C. 3301 and 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p. 218; § 213.101 also issued under 5 U.S.C. 2103; § 213.3102 also issued under 5 U.S.C. 3301,

3302, 3307, 8337(h) and 8456; E.O. 12364, 47 FR 22931, 3 CFR 1982 Comp., p. 185; and Pub. L. 103-353.

2. In § 213.3199, the first sentence of paragraph (a) and the introductory text in paragraph (b) are revised to read as follows:

### § 213.3199 Temporary organizations.

(a) Positions on the staffs of temporary boards and commissions which are established by law or Executive order for specified periods not to exceed 4 years to perform specific projects. \* \* \*

(b) Positions on the staffs of temporary organizations within continuing agencies when all of the following conditions are met: \* \* \*

\* \* \* \* \*

[FR Doc. 96-30596 Filed 11-29-96; 8:45 am]

BILLING CODE 6325-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

[Docket No. 95-CE-89-AD]

RIN 2120-AA64

### Airworthiness Directives; Raytheon Aircraft Company (Formerly Beech Aircraft Corporation) Model 58P and 58PA Airplanes

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

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); Reopening of the comment period.

**SUMMARY:** This document proposes to revise an earlier proposed airworthiness directive (AD) that would have required the following on Raytheon Aircraft Company (formerly Beech Aircraft Corporation) Model 58P and 58PA airplanes: inspecting for cracks and missing rivets in the cabin structure (longeron) adjacent to and aft of the second right-hand (RH) cabin window, and repairing any cracked structure and installing rivets, if missing. The Federal Aviation Administration (FAA) has received several reports of airplanes with cracks in the cabin structure which are also missing rivets that should have been installed in the cabin structure to secure the frame, splice, and longeron together. The missing rivets could lead to cabin structure cracks, and therefore

prompted the previously proposed AD action.

Since publication of that proposal, the FAA has determined that the proposed action is still a valid safety issue, but that cracks have also been reported in the RH lower longeron and that this area should also be inspected for cracks, repaired if there are cracks and re-reinforced if no cracks are found. This proposed new action revises the previous proposal by incorporating this change. The actions specified by the proposed AD are intended to prevent structural cracking to the cabin caused by missing rivets, which if not corrected, could cause decompression injuries to passengers, structural damage to the fuselage, and loss of the airplane.

Since the comment period for the original proposal has closed and the change described above goes beyond the scope of what was originally proposed, the FAA is allowing additional time for the public to comment.

**DATES:** Comments must be received on or before February 3, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-89-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** David Ostrodka, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4129, facsimile (316) 946-4407.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this supplemental notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this supplemental notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 95-CE-89-AD." The postcard will be date stamped and returned to the commenter.

##### **Availability of Supplemental NPRM's**

Any person may obtain a copy of this supplemental NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-89-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

##### **Discussion**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Beech Aircraft Corporation (Beech) Model 58P and 58PA airplanes was published in the Federal Register on February 8, 1996 (61 FR 4756). The action proposed to require inspecting for cracks and missing rivets in the cabin structure (upper longeron) adjacent to and aft of the second right-hand (RH) cabin window, and repairing any cracked structure and installing rivets, if missing. After the proposed notice was published, the name of the manufacturer changed from Beech Aircraft Corporation to Raytheon Aircraft Company (Raytheon). The model designation in the applicability section of the proposed AD remains the same.

Since publication of the proposal, additional reports have been received regarding cracking in another area of the longeron. The FAA has re-examined all information related to this subject and determined that the right-hand (RH) lower longeron between two doublers adjacent to the lower aft side of the RH second cabin window should also be inspected for cracks, repaired, if cracked, and re-reinforced, if no cracks are found.

Accomplishment of the proposed inspection, repair and installation would be in accordance with Beechcraft

Service Bulletin (SB) No. 2630, Issued: November, 1995, and Raytheon Aircraft Mandatory SB No. 2691, Rev. 1, Issued: June, 1996; Revised: October, 1996.

The FAA estimates that 386 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 3 workhours to accomplish the inspection and that the average labor rate is approximately \$60 an hour. In estimating the total cost impact of the proposed AD on U.S. operators, the FAA is only using the proposed inspection criteria (3 workhours). This estimate is based on the assumption that no affected airplane will have missing rivets or a cracked longeron. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$69,480 or \$180 per airplane.

If, during the proposed inspection, cracks are found and rivets are missing, the estimated costs for accomplishing the following proposed actions would be:

- 2 workhours to install rivets at an estimated cost of \$125 per airplane (\$120 for labor and \$5 for rivets),
- 8 workhours to repair any crack in the designated area of the RH upper longeron at an estimated cost of \$675 per airplane (\$480 for labor and \$195 for parts),
- 6 workhours to re-reinforce the RH lower longeron at an estimated cost of \$460 per airplane (\$360 for labor and \$100 for parts), or
- 16 workhours to repair any crack found in the RH lower longeron at an estimated cost of \$2,060 per airplane (\$960 for labor and \$1,100 for parts).

Raytheon has informed the FAA that parts have been distributed to equip approximately 19 airplanes. And, for a period of one year from the date of issue of the service bulletin, Raytheon is allowing warranty credit for parts and labor on all affected airplanes.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if

promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### **PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

##### **§ 39.13 [AMENDED]**

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

Raytheon Aircraft Company: Docket No. 95-CE-89-AD.

*Applicability:* Models 58P and 58PA airplanes, having the following serial numbers, and certificated in any category:

Serial Numbers Listed in Beech Service Bulletin (SB) No. 2630

TJ-2 through TJ-177  
TJ-179  
TJ-181 through TJ-212  
TJ-214 through TJ-270  
TJ-272 through TJ-283  
TJ-285 through TJ-288  
TJ-290 through TJ-313  
TJ-315 through TJ-321  
TJ-323, TJ-324  
TJ-326 through TJ-368, and  
TJ-370 through TJ-497

Serial Numbers Listed in Raytheon SB No. 2691

TJ-2 through TJ-121  
TJ-123 through TJ 394  
TJ-396 through TJ-497

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 (d) 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 within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished:

To prevent structural cracking to the cabin caused by missing rivets, which if not corrected, could cause decompression injuries to passengers, structural failure of the fuselage, and loss of the airplane, accomplish the following:

(a) Inspect cabin window upper longeron (next to the upper aft splice) between the second and third right-hand (RH) cabin side windows for cracks and missing rivets in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Beechcraft Mandatory (Beech) Service Bulletin (SB) No. 2630, Issued: November 1995.

(1) If cracks are found in the longeron, prior to further flight, repair the cracks in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Beech SB No. 2630, Issued: November 1995.

(2) If rivets are found missing, prior to further flight, install the rivets in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Beech SB No. 2630, Issued: November 1995.

(b) Inspect the RH lower longeron between the two doublers adjacent to the lower aft side of the RH second cabin window for cracks in accordance with the ACCOMPLISHMENT INSTRUCTIONS section, PART I of Raytheon Mandatory SB No. 2691, Rev. 1, Issued: June, 1996, Revised: October 1996.

(1) If cracks are found, prior to further flight, repair the cracks in accordance with the ACCOMPLISHMENT INSTRUCTIONS section, PART II in Raytheon Mandatory SB No. 2691, Rev. 1, Issued: June, 1996, Revised: October 1996.

(2) If no cracks are found, prior to further flight, reinforce the RH lower longeron in accordance with the ACCOMPLISHMENT INSTRUCTIONS section, PART III in Raytheon Mandatory SB No. 2691, Rev. 1, Issued: June, 1996, Revised: October 1996.

(c) 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.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(e) All persons affected by this directive may obtain copies of the document referred

to herein upon request to Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on November 25, 1996.

Henry A. Armstrong,

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

[FR Doc. 96-30576 Filed 11-29-96; 8:45 am]

BILLING CODE 4910-13-U

#### **14 CFR Part 71**

[Airspace Docket No. 96-ANM-23]

#### **Proposed Removal of Class D Airspace and Establishment of Class E Airspace; Coeur d'Alene, Idaho**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Supplemental notice of proposed rulemaking (SNPRM), reopening of comment period.

**SUMMARY:** On September 9, 1996, the FAA proposed to remove Class D Airspace and establish Class E Airspace at Coeur d'Alene, Idaho. This action is the result of decommissioning the air traffic control tower at Coeur d'Alene Air Terminal, Idaho. The Notice of Proposed Rulemaking (NPRM), as published, inadvertently omitted the removal of Class E4 airspace associated with the Class D airspace action. The part-time airspace verbiage was also omitted. Also, an error was identified with the 4,800-foot MSL ceiling for the proposed airspace designation. This Supplemental Notice of Proposed Rulemaking (SNPRM) corrects those errors and omissions and provides an additional comment period.

**DATES:** Comments must be received on or before December 15, 1996.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Operations Branch, ANM-530, Federal Aviation Administration, Docket No. 96-ANM-23, 1601 Lind Avenue S.W., Renton, Washington 98055-4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** James Riley, ANM-5322, Federal Aviation Administration, Docket No. 96-ANM-23, 1601 Lind Avenue S.W., Renton, Washington 98055-4056; telephone number: (206) 227-2537.