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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206-AE68

Federal Employees Health Benefits Program: Letter of Credit Provisions

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is making final its interim regulations that reflect a revised system of making recurring premium payments to experience-rated Federal Employees Health Benefits (FEHB) Program carriers on a letter of credit (LOC) basis; implement section 7002(b) of the Omnibus Budget Reconciliation Act of 1990 which specifies that, to the maximum extent practicable, payments to FEHB plans participating in an LOC arrangement shall be made on a checks-presented basis; relocate the regulations on minimum standards for health benefit carriers at 5 CFR 890.202 to the Contractor Qualifications section at 48 CFR 1609.70; and relocate the regulations on recurring premium payments to carriers at 5 CFR 890.505 to the Contract Financing section at 48 CFR 1632.170.

EFFECTIVE DATE: December 16, 1992.

FOR FURTHER INFORMATION CONTACT: Abby L. Block, (202) 606-0191.

SUPPLEMENTARY INFORMATION: On April 20, 1992, OPM published interim regulations in the Federal Register (57 FR 14323 and 57 FR 14358) that updated part 890 of title 5 of the Code of Federal Regulations (CFR) and 48 CFR parts 1602, 1609, 1632 and 1652, the Federal Employees Health Benefits Acquisition Regulation (FEHBAR), with regard to the payment of premiums to experience-rated Federal Employees Health

Benefits Program (FEHBP) carriers on a letter of credit (LOC) basis, and relocated two sections from title 5 to title 48 of the CFR where they more appropriately belong.

OPM received written comments from an association representing health maintenance organizations. The commenter stated that in conjunction with the relocation of the regulations on recurring premium payments made to FEHBP carriers from title 5 to title 48 of the CFR, OPM has the responsibility to detail the premium payment and enrollment data responsibilities of Federal employing agencies in the FEHBAR.

As noted by the commenter, OPM does provide instructions to Federal agencies on transmitting and reconciling enrollment information to carriers in Subchapter S19 of Federal Personnel Manual Supplement 890-1. We are not prepared at this time to include these requirements in the FEHBAR and, in fact, could not include it in this final regulation because of the need to offer a public comment period.

The commenter also recommended that OPM improve the administrative system of premium payments due FEHBP carriers by developing more effective management information systems. The commenter believes that, at a minimum, such a system should include centralized eligibility and payroll reporting.

OPM understands the commenter's concerns and has been working with Federal agencies on a number of efforts to improve the administration of premium payments due FEHBP carriers.

One step OPM has taken is to institute new requirements for both employing agencies and OPM to provide enrollment and premium information to participating prepaid plans on a quarterly basis. These new procedures will improve the effectiveness of the reconciliation process and ensure the accurate reporting of financial data.

Another requirement is the inclusion of two contact points for the Standard Form (SF) 2809. The form is currently being revised to include both a personnel and payroll point-of-contact. The personnel contact should be able to provide the carriers with duplicate copies of SF 2809s and provide an effective date of coverage. The payroll contact should be able to answer questions concerning money submitted

to OPM and any adjustments for overpayments or underpayments.

In addition, OPM has initiated a major project intended to enhance its management of the FEHBP. An objective of the FEHB Data and Reconciliation Initiative includes the implementation of a process that ensures participating carriers receive timely and correct premiums and can effectively reconcile discrepancies in enrollment with employers. This will be accomplished by providing detailed enrollment information to all participating carriers each time they are paid premiums or premiums are made available to their LOC accounts.

We believe that the initiatives adequately address the commenter's concerns.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect the administrative procedures used by OPM and FEHB plans.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health insurance, Retirement.

U.S. Office of Personnel Management

Douglas A. Brook

Acting Director.

Accordingly, under the authority of 5 U.S.C. 8913, OPM is adopting its interim regulations under 5 CFR part 890 published on April 20, 1992 (57 FR 14323), as final rules without change.

[FR Doc. 92-27611 Filed 11-13-92; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 320 and 381

[Docket No. 92-025F]

Obtaining Registration Forms

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat and poultry products inspection regulations to accurately reflect the name of the office from which individuals wishing to engage in business as meat or poultry products brokers, renderers, animal food manufacturers and other businesses specified in the Federal meat and poultry products inspection regulations may obtain the required registration form. This final rule corrects incorrect information, making it easier for meat or poultry products brokers, renderers, animal food manufacturers and other businesses to obtain the form.

EFFECTIVE DATE: November 16, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Stafko, Director, Policy Office, Policy Evaluation and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-8168.

SUPPLEMENTARY INFORMATION:**Executive Order 12291**

The Administrator, Food Safety and Inspection Service, has determined in accordance with Executive Order 12291 that this final rule is not a "major rule." It will not result in an annual effect on the economy of \$100 million or more. There will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have a significant adverse effect on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule only corrects the office from which required registration forms may be obtained.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have retroactive effect, and all applicable administrative procedures must be exhausted before any judicial challenge to its provisions or their application. Those administrative procedures are set forth in the rules governing proceedings at 9 CFR parts 335 and 381, subpart W.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C.

601). This final rule places no new requirements on industry. It simply corrects and updates from whom registration forms may be obtained.

Background

Sections 320.5(a) and 381.179(a) of the Federal meat and poultry products inspection regulations require that any person wishing to engage in business as a meat or poultry products broker, renderer, animal food manufacturer or other specified businesses must file a registration form with the Administrator, Food Safety and Inspection Service. The person must provide, among other things, their name, and the address of each place of business, within 90 days of beginning to engage in such business. This form may be obtained from the Food Safety and Inspection Service. The agency designation currently listed in the regulations is incorrect, which may lead to confusion and delay in obtaining the required form. Accordingly, FSIS is correcting the regulations.

Because this amendment merely corrects and updates information on where forms may be obtained, it is found upon good cause that public participation in this rulemaking procedure is impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the *Federal Register* (5 U.S.C. 553).

For the reasons set out in the preamble, 9 CFR parts 320 and 381 are amended as set forth below.

List of Subjects**9 CFR Part 320**

Information and records, Meat inspection.

9 CFR Part 381

Information and records, Poultry products inspection.

PART 320—RECORDS, REGISTRATION, AND REPORTS

1. The authority citation for part 320 continues to read as follows:

Authority: 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

2. Paragraph (a) of § 320.5 is amended by revising the last sentence to read as follows:

§ 320.5 Registration.

(a) * * * The registration form shall be obtained from the Compliance Programs, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

1. The authority citation for part 381 continues to read as follows:

Authority: 7 U.S.C. 450, 21 U.S.C. 451-470, 7 CFR 2.17, 2.55.

2. Paragraph (a) of § 381.179 is amended by revising the last sentence to read as follows:

§ 381.179 Registration.

(a) * * * The registration form shall be obtained from the Compliance Program, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, on November 9, 1992.

H. Russell Cross,
Administrator, Food Safety and Inspection Service.

[FR Doc. 92-27686 Filed 11-13-92; 8:45 am]

BILLING CODE 3410-DM-M

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

[Docket No. 92-ANE-28; Amendment 39-8386; AD 92-21-06]

Airworthiness Directives; Garrett Engine Division, Model TFE731 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Garrett Engine Division Model TFE731-2 and -3 series turbofan engines. This action requires the removal of certain suspect third stage low pressure turbine (LPT) rotor disks identified by serial number, and replacement with serviceable disks. This amendment is prompted by results of an investigation that was conducted by the manufacturer subsequent to an Auxiliary Power Unit high pressure turbine disk separation due to random oxide inclusions and stringers. The actions specified in this AD are intended to prevent an uncontained engine failure.

DATES: Effective November 27, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director,

of the Federal Register as of November 27, 1992.

Comments for inclusion in the Rules Docket must be received on or before January 15, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-ANE-28, 12 New England Executive Park, Burlington, Massachusetts 01803-5299.

The service information referenced in this AD may be obtained from Garrett General Aviation Services Division, Distribution Center, 1944 East Sky Harbor Circle, Phoenix, Arizona 85034, telephone (602) 365-2548. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Propulsion Branch, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3229 E. Spring Street, Long Beach, California 90806-2425, telephone (310) 988-5246, fax (310) 988-5210.

SUPPLEMENTARY INFORMATION: The FAA has received a report of a high pressure turbine (HPT) disk hub separation on a Garrett Auxiliary Power Division TSCP700 Auxiliary Power Unit (APU) due to random oxide inclusions and stringers. This incident prompted the manufacturer to conduct an inspection and metallurgical investigation of other APU HPT disks produced from the same Waspaloy material heat lot. Analysis of 13 rotor disks determined that 7 disks had inclusions and stringers. Of these 7 disks, inclusions and stringers caused cracking in 5 disks. The investigation revealed that these material anomalies occurred in the preforming melt process.

The FAA has determined that certain third stage low pressure turbine (LPT) rotor disks installed on Garrett Model TFE731-2 and -3 series turbofan engines were manufactured from the same suspect Waspaloy material heat lot that produced the APU HPT rotor disks. Since the LPT rotor disks are similar in manufacture and operated at stress levels higher than the APU HPT rotor disks, the FAA has determined that cracking is also likely in these LPT rotor disks. This condition, if not corrected, could result in an uncontained engine failure.

The FAA has reviewed and approved the technical contents of Allied-Signal

Aerospace Company, Garrett Engine Division, Alert Service Bulletin No. TFE731-A72-3474, dated April 3, 1992, that describes procedures for removal and replacement of certain third stage LPT rotor disks identified by serial number that were manufactured from a suspect Waspaloy material heat lot.

Since an unsafe condition has been identified that is likely to exist or develop on other Garrett Model TFE731-2 and -3 engines of the same type design, this AD is being issued to prevent an uncontained engine failure. This AD requires removal and replacement of certain third stage LPT disks identified by serial number. The actions are required to be accomplished in accordance with the service bulletin described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public 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 flight safety and, thus, was not preceded by notice and an opportunity for public 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 under the caption "ADDRESSES." 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 Number 92-ANE-28." The postcard will be date stamped and returned to the commenter.

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 and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. 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. A copy of it, if filed, 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 14 CFR part 39 of the Federal Aviation Regulations 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:

92-21-06 Garrett Engine Division, A Division of the Allied Signal Aerospace Company: Amendment 39-8386, Docket No. 92-ANE-28.

Applicability: Garrett Engine Division Model TFE731-2, -3, -3A, -3AR, and -3R turbofan engines assembled with Part Number (P/N) 3072068-X, 3072544-X, 3073015-X, or 3073115-X low pressure turbine (LPT) rotor disks identified by serial number listed in Allied-Signal Aerospace Company, Garrett Engine Division, Alert Service Bulletin (ASB) No. TFE731-A72-3474, dated April 3, 1992, installed on but not limited to Avions Marcel Dassault Falcon 10, 50, and 100, AiResearch Aviation Company 731 Jetstar, Lockheed 1329-25 (Jetstar II), Israel Aircraft Industries Ltd. 1124 Series (Westwind) and 1125 Westwind Astra, British Aerospace DH/HS/BH 125 Series, Learjet 31 (M31), 35, 36, and 55 Series, and Sabreliner NA265-65 (Sabreliner 65 and 65A Series) aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent an uncontained engine failure, accomplish the following:

(a) Remove affected third stage LPT rotor disks in accordance with the Accomplishment Instructions of Allied-Signal Aerospace Company, Garrett Engine Division, ASB No. TFE731-A72-3474, dated April 3, 1992, at the next access to the turbine rotor assembly or before accumulating 100 hours time in service after the effective date of this AD, whichever occurs first, and replace with a serviceable disk.

(b) For the purpose of this AD, access to the turbine assembly is defined as whenever the low pressure turbine module is separated from the engine.

(c) 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, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The removal and replacement of the LPT rotor disk shall be done in accordance with the following Allied-Signal Aerospace Company, Garrett Engine Division, Alert Service Bulletin:

Document no.	Page no.	Date
No. TFE731-A72-3474. Total pages: 8	1-8	April 3, 1992.

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 Garrett General Aviation Services

Division, Distribution Center, 1944 East Sky Harbor Circle, Phoenix, Arizona 85034, telephone (602) 365-2548. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(f) This amendment becomes effective on November 27, 1992.

Issued in Burlington, Massachusetts, on October 9, 1992.

Mark C. Fulmer,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.
[FR Doc. 92-27675 Filed 11-13-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 21 and 25

[Docket No. NM-72; Special Conditions No. 25-ANM-64]

Special Conditions; Embraer Model CBA-123 Airplane, Engine Cowling and Nacelle Skin Retention

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Embraer Model CBA-123 airplane. This is a new 19 passenger transport category airplane with a unique aft mounted turboprop propulsion system having pusher propellers. This is a novel and unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes in the Federal Aviation Regulations (FAR). These special conditions contain the additional safety standards which the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

EFFECTIVE DATE: December 16, 1992.

FOR FURTHER INFORMATION CONTACT: Henry Jenkins, Standardization Branch, ANM-113, Transport Airplane Directorate, Aircraft Certification Service, FAA, 1601 Lind Ave. SW., Renton, WA 98055-4056, telephone (206) 227-2141.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1986, Embraer applied for a type certificate for their new Model CBA-123 airplane. Unlike conventional transport-category airplanes with the engines and propellers mounted forward of the wing in a tractor configuration, this 19-passenger transport-category airplane has a unique aft-fuselage

installation of engines and propellers mounted on pylons in a pusher configuration. Any lost engine cowling or nacelle skin could contact the propellers and empennage and cause catastrophic damage. These potential hazards are not adequately covered by existing regulations applicable to conventional transport category airplanes.

Type Certification Basis

Under the provisions of § 21.17 of the FAR, Embraer must show that the Model CBA-123 meets the applicable requirements of Subchapter C in effect on the date of application for that certificate unless: (1) Otherwise specified by the Administrator; or (2) compliance with later effective amendments is elected or required under § 21.17; and (3) special conditions are prescribed by the Administrator.

Based on the provisions of § 21.17(a)(1), the Model CBA-123 would be required to comply with part 25 through Amendment 25-60. However, Embraer has elected to comply with part 25 through Amendment 25-61 and §§ 25.571(e)(2) and 25.905(d) as amended through Amendment 25-72.

In addition to the applicable airworthiness regulations and special conditions, the Model CBA-123 must also comply with the noise certification requirements of part 36 and the engine emission requirements of part 34 (formerly Special Federal Aviation Regulation 27) in effect at the time the type certificate is issued.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.17(a)(2). These special conditions form an additional part of the type certification basis.

Novel or Unusual Design Feature

Engine Cowling and Nacelle Skin Retention

Due to the aft pylon mounting of the engines and pusher propellers, any loss of engine cowling or nacelle skin could cause catastrophic damage directly by impact with empennage mounted control surfaces or indirectly by damaging propeller blades which in turn could separate and strike the empennage. Design precautions must be taken to minimize the possible failure modes that could cause loss of engine cowling or nacelle skin.

Discussion of Comments

Notice of proposed special conditions No. SC-92-4-NM was published in the