

the significant structural components described previously as these airplanes approach and exceed the manufacturer's original fatigue design life goal. Fatigue cracking of these components, if not detected and corrected in a timely manner, could result in reduced structural integrity of the airplane.

The DGAC classified the Document as mandatory and issued Spanish airworthiness directive 02-88, Revision 1, dated May 17, 1993, in order to assure the continued airworthiness of these airplanes in Spain.

Additionally, results of fatigue tests accomplished by CASA at the time of type certification of these airplanes have revealed that, for Model C-212-CB series airplanes, certain horizontal stabilizer-to-fuselage attach fittings must be replaced prior to incorporation of the SID program.

This airplane model is manufactured in Spain and is 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 DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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.

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 require supplemental structural inspections, and repair or replacement, as necessary. The actions would be required to be accomplished in accordance with the Document described previously. This proposed AD also would require that results of these inspections, positive or negative, be reported to CASA.

This proposed AD also would require replacement of certain horizontal stabilizer to fuselage attach fittings on Model C-212-CB series airplanes. The replacement would be required to be accomplished in accordance with procedures specified in the CASA C-212 Aircraft Maintenance Manual.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in

the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

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

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

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed 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 proposed 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 proposed 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 proposed AD would be redundant and unnecessary.

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