

§ 9038.2 Repayments [Corrected]

14. On page 31886, in the second column, in instruction 44, "adding paragraphs (a)(4) and (i)" should read "adding paragraph (a)(4) and revising paragraph (h)".

15. On page 31886, in the second column, in § 9038.2(a)(3), in the fourth line, "given" should read "give".

16. On page 31887, in § 9038.2, in the third column, in the third line, the five asterisks following paragraph (g) should be removed, and in the fourth line, the paragraph designated as paragraph (i) should be designated as paragraph (h).

Dated: November 9, 1995.

Lee Ann Elliott,

Vice Chairman, Federal Election Commission.

[FR Doc. 95-28276 Filed 11-15-95; 8:45 am]

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11 CFR Parts 9034 and 9038

[Notice 1995-19]

Public Financing of Presidential Primary and General Election Candidates

AGENCY: Federal Election Commission.

ACTION: Final rule; correcting amendments.

SUMMARY: This document contains final rules correcting promulgation errors made in final rules published June 16, 1995 (60 FR 31854) regarding public financing of presidential primary and general election candidates.

DATES: The Commission will announce an effective date for these rules after they have been before Congress for 30 legislative days pursuant to 26 U.S.C. 9039(c). This announcement will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, N.W., Washington, D.C. 20463, (202) 219-3690 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: On June 16, 1995, the Commission published final rules revising its regulations governing public financing of presidential primary and general election candidates. 60 FR 31854 (June 16, 1995). These regulations implement provisions of the Presidential Election Campaign Fund Act and the Presidential Primary Matching Payment Account Act.

Unfortunately, there were a number of errors in the June 16 final rule document. The Commission is publishing two documents in today's edition of the Federal Register to correct these errors. Readers interested in the Commission's public financing

regulations should carefully review these two documents.

Most of the errors were of a technical nature. A Commission document published elsewhere in today's Federal Register corrects these technical errors.

However, two of the errors in the June 16 final rule document were not purely technical in that they reflect errors made in approval of the final rules.

Specifically, the June 16 final rules replaced § 9034.4(a)(3)(ii) with the version of that provision that was in effect before the public financing rules were last revised in 1991. 56 FR 35898 (July 29, 1991). This had the effect of eliminating language relating to candidates who continue to campaign after their dates of ineligibility. The June 16 final rules also removed the "continuing to campaign" reference from the heading in § 9034.4(a)(3).

In addition, the rules deleted language inserted in § 9038.2(b)(2)(iii). The deleted language reduces the amount of an ineligible candidate's repayment by shortening the time period during which the candidate's non-qualified campaign expenses would generate a repayment obligation.

The Commission never intended to make these revisions, as is evidenced by references to the deleted provisions that remain in other parts of the final rules. See, e.g., § 9034.4(a)(3)(iii).

Consequently, the Commission is publishing this document to restore the deleted provisions. The corrected versions of these rules are set out below. Because the regulated community had an opportunity to comment on these rules before they were promulgated in 1991, the Commission believes an additional comment period is unnecessary. Therefore, in accordance with 5 U.S.C. 553(b)(B), the Commission is approving these corrections as final rules without seeking further comment. The explanation and justification for these rules is set out at 56 FR 35898 (July 29, 1991).

Section 9039(c) of Title 26, United States Code requires that any rules or regulations prescribed by the Commission to carry out the provisions of Title 26 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate 30 legislative days before they are finally promulgated. These regulations were transmitted to Congress on November 9, 1995.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

The attached final rules, if promulgated, will not have a significant impact on a substantial number of small

entities. The basis for this certification is that few, if any, small entities will be affected by these final rules.

Furthermore, any small entities affected are already required to comply with the requirements of the Presidential Primary Matching Payment Account Act in these areas.

List of Subjects**11 CFR 9034**

Campaign funds.

11 CFR 9038

Campaign funds.

For the reasons set out in the preamble, subchapter F of chapter I of title 11 of the Code of Federal Regulations is amended as follows:

PART 9034—ENTITLEMENTS

1. The authority citation for part 9034 continues to read as follows:

Authority: 26 U.S.C. 9034 and 9039(b).

2. Section 9034.4 is amended by revising the heading in paragraph (a)(3), and by revising paragraph (a)(3)(ii), to read as follows:

§ 9034.4 Use of contributions and matching payments.

(a) * * *

(3) Winding down costs and continuing to campaign. * * *

(ii) If the candidate continues to campaign after becoming ineligible due to the operation of 11 CFR 9033.5(b), the candidate may only receive matching funds based on net outstanding campaign obligations as of the candidate's date of ineligibility. The statement of net outstanding campaign obligations shall only include costs incurred before the candidate's date of ineligibility for goods and services to be received before the date of ineligibility and for which written arrangement or commitment was made on or before the candidate's date of ineligibility, and shall not include winding down costs until the date on which the candidate qualifies to receive winding down costs under paragraph (a)(3)(i) of this section.

Contributions received after the candidate's date of ineligibility may be used to continue to campaign, and may be submitted for matching fund payments. The candidate shall be entitled to receive the same proportion of matching funds to defray net outstanding campaign obligations as the candidate received before his or her date of ineligibility. Payments from the matching payment account that are received after the candidate's date of ineligibility may be used to defray the candidate's net outstanding campaign

obligations, but shall not be used to defray any costs associated with continuing to campaign unless the candidate reestablishes eligibility under 11 CFR 9033.8.

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PART 9038—EXAMINATIONS AND AUDITS

1. The authority citation for part 9038 continues to read as follows:

Authority: 26 U.S.C. 9038 and 9039(b).

2. Section 9038.2 is amended by revising the last sentence in paragraph (b)(2)(iii)(B) to read as follows:

§ 9038.2 Repayments.

* * * * *

(b) * * *

(2) * * *

(iii) * * *

(B) * * * In doing this, the

Commission will review committee expenditures from the date of the last matching fund payment to which the candidate was entitled, using the assumption that the last payment has been expended on a last-in, first-out basis.

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Dated: November 9, 1995.

Lee Ann Elliott,

Vice Chairman, Federal Election Commission.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-CE-81-AD; Amendment 39-9431; AD 95-23-11]

Airworthiness Directives; Aerostar Aircraft Corporation PA-60-600 (Aerostar 600) Series (Formerly Piper Aircraft Corporation) 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 Aerostar Aircraft Corporation (Aerostar) PA-60-600 series airplanes. This action requires repetitively inspecting the fuselage horizontal stabilizer attach fittings for cracks, and replacing any cracked fuselage horizontal stabilizer attach fitting. A report of several cracks found on the forward horizontal stabilizer attach spar fitting on an Aerostar Model

PA-60-601P airplane prompted this action. The actions specified by this AD are intended to prevent undetected cracked fuselage horizontal attach fittings, which could result in the fuselage horizontal stabilizer separating from the airplane while in flight with subsequent loss of control of the airplane.

DATES: Effective November 30, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 30, 1995.

Comments for inclusion in the Rules Docket must be received on or before January 10, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-81-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from the Aerostar Aircraft Corporation, Customer Service Department, South 3608 Davison Boulevard, Spokane, Washington 99204; telephone (509) 455-8872. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-CE-81-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. Richard N. Simonson, Aerospace Engineer, Seattle Aircraft Certification Office, 1601 Lind Avenue, S.W., Renton, Washington 98055-4056; telephone (206) 227-2597; facsimile (206) 227-1181.

SUPPLEMENTARY INFORMATION: The FAA has received a report where several cracks were found in the fuselage forward horizontal stabilizer attach spar fitting on an Aerostar Model PA-60-601P airplane. Further investigation revealed that stress corrosion caused the cracks. This airplane had been inspected for cracks in the fuselage horizontal stabilizer attach spar fittings consistently at intervals of 200 hours time-in-service (TIS).

The affected airplane had a total usage time of 4,279 hours (TIS), which is considered about average for the fleet of approximately 600 Aerostar PA-60-600 series airplanes registered in the United States. Undetected cracked fuselage horizontal stabilizer attach fittings could result in the fuselage horizontal stabilizer separating from the airplane

while in flight with subsequent loss of control of the airplane.

Aerostar has issued Service Bulletin SB600-130, dated September 26, 1995, which specifies procedures for inspecting fuselage horizontal stabilizer attach fittings on Aerostar PA-60-600 series airplanes.

After examining the circumstances and reviewing all available information related to the incidents described above including the referenced service bulletin, the FAA has determined that AD action should be taken to prevent undetected cracked fuselage horizontal attach fittings, which could result in the fuselage horizontal stabilizer separating from the airplane while in flight with subsequent loss of control of the airplane.

Since an unsafe condition has been identified that is likely to exist or develop in other Aerostar PA-60-600 series airplanes of the same type design, this AD requires repetitively inspecting the fuselage horizontal stabilizer attach fittings for cracks, and replacing any cracked fuselage horizontal stabilizer attach fitting with a serviceable approved part of like design. Accomplishment of these inspections are in accordance with Aerostar Service Bulletin SB600-130, dated September 26, 1995. Any fuselage horizontal stabilizer attach fitting replacement that is required shall be accomplished in accordance with the applicable maintenance manual.

The compliance time of this AD is presented in calendar time and hours TIS. Cracking of the fuselage horizontal stabilizer attach fittings on the affected airplane is caused by stress corrosion, which starts as a result of stress loads incurred through operation. Corrosion can then develop regardless of whether the airplane is in flight. The cracks may not be noticed initially as a result of the stress loads, but could then develop through corrosion. In order to ensure that these stress corrosion cracks do not go undetected, a compliance time of specific hours TIS and calendar time (whichever occurs first) is utilized.

Since a situation exists (possible separation of the fuselage horizontal stabilizer separating from the airplane during flight) 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,