DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–152–AD]

RIN 2120–AA64

Airworthiness Directives; The New Piper Aircraft, Inc. Models PA–31, PA–31–300, PA–31–325, PA–31–350, and PA–31P–350 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 81–15–04 R1, which applies to certain The New Piper Aircraft, Inc. (Piper) Models PA–31, PA–31–300, PA–31–325, PA–31–350, and PA–31P–350 airplanes and currently requires repetitively inspecting for cracks at the elevator outboard hinge attachment on the horizontal stabilizer rear spar, and if cracks are found, incorporating a spar and hinge bracket assembly kit. The proposed action would require repetitively inspecting the horizontal rear spar in the area of the outboard hinge attachment and the outboard hinge attach bracket for cracks. When cracks are found or at a certain accumulation of time-in-service (TIS), the proposed AD would require modifying the horizontal stabilizer spar by incorporating an improved stabilizer spar and hinge bracket assembly kit that would terminate the repetitive inspections. The proposed AD is prompted by several field reports of cracks found during routine inspections on airplanes already in compliance with AD 81–15–04 R1. The actions specified by the proposed AD are intended to prevent failure of the horizontal stabilizer rear spar caused by cracks at the elevator outboard hinge attachment, which could result in loss of control of the airplane.

DATES: Comments must be received on or before November 20, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–152–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 The New Piper Aircraft, Inc., Customer Services, 2926 Piper Drive, Vero Beach, Florida 32960. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. William Herderich, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone: (770) 703-6084; facsimile: (770) 703–6097.

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 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 notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97-CE–152-AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–152–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

Airworthiness Directive (AD) 81–15–04 R1, Amendment 39–4200, currently requires repetitively inspecting certain Piper Model PA–31, PA–31–300, PA–31-325, PA–31–350, and PA–31P–350 airplanes for cracks in the horizontal stabilizer rear spar and the outboard hinge attach bracket and, if cracks are found, incorporating Piper Stabilizer Rear Spar Modification and Outboard Hinge Replacement Kit.

Actions Since Issuance of Previous Rule

Since the issuance of AD 81–15–04 R1, the FAA has received several reports of cracks developing in the horizontal stabilizer rear spar and the elevator outboard hinge attach brackets on airplanes that are in compliance with this AD. The results of the investigation of these reports show that the onset of cracks is believed to be caused by improper fit of the hinge assembly in the spar channel and the method of attaching the hinge bracket assembly to the rear spar.

Based on this new information, the manufacturer elected to redesign the hinge bracket assembly and change the method of attaching the hinge bracket assembly to the rear spar. This new design and change in the attaching method should alleviate any further need for inspecting the rear spar and hinge bracket assembly.

Relevant Service Information

Piper has issued Service Bulletin (SB) No. 1007, dated September 30, 1997, which specifies procedures for repetitively inspecting for cracks in the elevator outboard hinge bracket and the horizontal stabilizer rear spar. If cracks are found, the service information also specifies following the instructions provided in Piper Kit No. 766–646 which is referenced in Piper SB No. 1007, dated September 30, 1997, which provides procedures for modifying the rear spar and elevator outboard hinge attachment by incorporating Piper Kit No. 766–646.

The FAA's Determination

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 failure of the horizontal stabilizer rear spar caused by cracks at the elevator outboard hinge attachment, which could result in loss of control of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Piper Models PA–31, PA–31–300, PA–31–325, PA–31–350, and PA–31P–350 airplanes of the same type design, the proposed AD would supersede AD 81–15–04 R1 with a new AD that would require:

- Inspecting the horizontal stabilizer rear spar at the outboard hinge

attachment and outboard hinge attach bracket for cracks,

- If no cracks are found, the proposed AD would require repetitively inspecting this area until cracks are found, and

- If cracks are found or upon the accumulation of 500 hours TIS, whichever occurs first, the proposed AD would require modifying the horizontal stabilizer rear spar by incorporating Piper Kit No. 766–646.

The incorporation of this kit would terminate the currently required repetitive inspections. Accomplishment of the proposed modification would be in accordance with the Instructions in Piper Kit No. 766–646 which is referenced in Piper Service Bulletin No. 1007, dated September 30, 1997.

Differences Between the Service Information and the Proposed AD

The compliance time specified in the Piper Service Bulletin No. 1007, dated September 30, 1997, is different than the compliance time in the proposed AD. The FAA is not using the 50 hours time-in-service (TIS) as the initial and repetitive inspection times, as specified in the service bulletin. Fifty hours TIS or less is normally reserved for urgent safety of flight conditions. The proposed AD is not considered an urgent safety of flight condition, it is superseding an action that already requires repetitive inspections. Based on engineering judgment and the service history received from the field, the FAA is proposing the initial and repetitive inspection time be increased to 100 hours TIS in order to allow operators a reasonable amount of time to accomplish the proposed action.

Cost Impact

The FAA estimates that 1,739 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 11 workhours to per airplane to accomplish the proposed actions, and that the average labor rate is approximately $60 an hour. Parts cost approximately $478 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,978,982, or $1,138 per airplane. This cost estimate does not take into account the number of repetitive inspections that may be incurred over the life of the airplane. These figures are based on the presumption that no owner/operator of the affected aircraft has accomplished this replacement.

Regulatory Impact

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 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. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive 81–15–04 R1, Amendment 39–4200, and by adding a new AD to read as follows:

The New Piper Aircraft, Inc.: Docket No. 97–CE–152–AD; Supersedes AD 81–15–04 R1, Amendment 39–4200.

Applicability: The following airplane models and serial numbers, certificated in any category:

Models	Serial Nos.
PA–31, PA–31–300, and PA–31–325.	31–2 through 31–8312019
PA–31–350	31–5001 through 31–8553002
PA–31P–350	31P–8414001 through 31P–8414050

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 (f) 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: As indicated in the body of this AD, unless already accomplished.

To prevent failure of the horizontal stabilizer rear spar caused by cracks at the elevator outboard hinge attachment, which could result in loss of control of the airplane:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, inspect the horizontal stabilizer rear spar in the area of the outboard hinge attachment and the outboard hinge attach bracket for cracks in accordance with the INSTRUCTIONS section of Piper Service Bulletin (SB) No. 1007, dated September 30, 1997.

(b) If cracks are found, prior to further flight, modify the horizontal stabilizer rear spar by incorporating Piper Kit No. 766–646 in accordance with the INSTRUCTIONS contained in Piper Kit No. 766–646 which is referenced in Piper SB No. 1007, dated September 30, 1997.

(c) If no cracks are found, continue to inspect in accordance with paragraph (a) of this AD at intervals not to exceed 100 hours TIS. Upon the accumulation of 500 hours TIS after the effective date of this AD or when cracks are found, whichever occurs first, modify the horizontal stabilizer rear spar by incorporating Piper Kit No. 766–646 which is referenced in Piper SB No. 1007, dated September 30, 1997.

(d) Modifying the affected airplane by incorporating Piper Kit No. 766–646 is considered a terminating action to the inspections required in paragraphs (a) and (c) of this AD.

(e) 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.

(f) 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, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector,

who may add comments and then send it to the Manager, Atlanta ACO.

(2) Alternative methods of compliance approved in accordance with AD 81–15–04 R1, are not considered approved as alternative methods of compliance for this AD.

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

(g) All persons affected by this directive may obtain copies of the documents referred to herein upon request to The New Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(h) This amendment supersedes AD 81–15–04 R1, Amendment 39–4200.

Issued in Kansas City, Missouri, on September 14, 1998.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–25127 Filed 9–18–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement (OSM)

30 CFR Part 920

[MD–045–FOR]

Maryland Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement. DOI.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing the receipt of a proposed amendment to the Maryland Regulatory Program (hereinafter referred to as the Maryland Program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, as amended. This proposed amendment provides that administrative review and award of costs decisions formerly appealed to the Board of Review will now be reviewed in accordance with State Government Article, § 10–215, Annotated Code of Maryland. The amendment is intended to revise the Maryland program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., E.D.T., October 21, 1998. If requested, a public hearing on the proposed amendment will be held on October 16, 1998. Requests to speak at the hearing must be received by 4:00 p.m., E.D.T., on October 6, 1998.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to George Rieger, Manager, at the address listed below.

Copies of the Maryland program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contracting OSM's Appalachian Regional Coordinating Center.

George Rieger, Manager, Pittsburgh Oversight and Inspection Office, OSM, Appalachian Regional Coordinating Center, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937–2153, Maryland Bureau of Mines, 160 South Water Street, Frostburg, Maryland 21532, Telephone: (301) 689–4136.

FOR FURTHER INFORMATION CONTACT: George Rieger, Manager, Appalachian Regional Coordinating Center, at (412) 937–2153.

SUPPLEMENTARY INFORMATION:

I. Background on the Maryland Program

On December 1, 1980, the Secretary of the Interior conditionally approved the Maryland program. Background information on the Maryland program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 1, 1980, **Federal Register** (45 FR 79449). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 920.12, 920.15, and 920.16.

II. Description of the Proposed Amendment

By letter dated August 25, 1998, (Administrative Record No. MD–580–00), the Maryland Department of the Environment (MDDOE) submitted the proposed amendment to its program. This proposal supersedes an existing proposed amendment Maryland submitted on May 7, 1991, to satisfy the requirements of 30 CFR 920.16(a). The 1991 proposed amendment resulted in a final rule published in the **Federal Register** on January 10, 1992, (57 FR 1104) approving the revisions. The final rule indicated that 30 CFR 920.16(a) was removed and reserved. However, Maryland did not promulgate the revisions approved by OSM. Since that time, the Bureau of Mines has been transferred from the Department of Natural Resources to the Department of the Environment and the Code of Maryland Regulations (COMAR) has been recodified. The Board of Review was abolished in 1990 and the right to appeal administrative review and award of costs decisions is now authorized by § 10–215 of the State Government Article.

The provisions of COMAR that Maryland proposed to amend are as follows:

1. COMAR 26.20.34.06 Procedure after Testimony is Concluded.

In Section G. Maryland proposes to delete the phrase, ''may appeal the decision to the Board of Review pursuant to COMAR 08.16.01'' and replace it with the phrase, ''is entitled to judicial review in accordance with State Government Article, § 10–215, Annotated Code of Maryland.''

2. COMAR 26.20.34.09 Award of Costs.

In Section G. Maryland proposes to delete the phrase, ''may appeal to the Board of Review pursuant to COMAR 08.16.01'' and replaces it with the phrase, ''is entitled to judicial review in accordance with State Government Article, § 10–215, Annotated Code of Maryland.''

3. COMAR 26.20.06.02 Administrative Appeal.

This section has been deleted.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendment proposed by Maryland satisfies the applicable requirements for the approval of State program amendments. If the amendment is deemed adequate, it will become part of the Maryland program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under DATES or at locations other than the Appalachian Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by close of business on October 6, 1998. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.