

(2) A requester seeking expedited processing should so indicate in the initial request, and should state all facts supporting the need to obtain the requested records rapidly. The requester must also state that these facts are true and correct to the best of the requester's knowledge and belief.

(3) When a request for expedited processing is received, the Board will respond within ten calendar days from the date of receipt of the request, stating whether or not the request has been granted. If the request for expedited processing is denied, any appeal of that decision will be acted upon expeditiously.

§ 1703.107 [Removed and Reserved]

4. Section 1703.107(b)(2)(iv) is proposed to be removed and reserved.

5. Section 1703.108 is proposed to be revised to read as follows:

§ 1703.108 Processing of FOIA requests

* * * * *

(b) Action pursuant to this section to provide access to requested records shall be taken within twenty working days. This time period may be extended up to ten additional working days, in unusual circumstances, by written notice to the requester. If the Board will be unable to satisfy the request in this additional period of time, the requester will be so notified and given the opportunity to—

(1) Limit the scope of the request so that it can be processed within the time limit, or

(2) Arrange with the Designated FOIA Officer an alternative time frame for processing the original request or a modified request.

* * * * *

Dated: October 14, 1997.

John T. Conway,
Chairman.

[FR Doc. 97-27704 Filed 10-20-97; 8:45 am]

BILLING CODE 3670-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-CE-69-AD]

RIN 2120-AA64

Airworthiness Directives; The New Piper Aircraft, Inc. (Formerly Piper Aircraft Corporation), Models PA-31, PA-31-300, PA-31-325, PA-31-350, PA-31P, PA-31T, and PA-31T1 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 80-26-05, which currently requires the following on certain The New Piper Aircraft, Inc. (Piper) Models PA-31, PA-31-300, PA-31-325, PA-31-350, PA-31P, PA-31T, and PA-31T1 airplanes: repetitively inspecting the main landing gear (MLG) inboard door hinges and attachment angles for cracks, and replacing any cracked MLG inboard door hinge or attachment angle. The proposed AD results from the Federal Aviation Administration's policy on aging commuter-class aircraft and the determination that an improved design MLG inboard door hinge and attachment assembly (or approved hinges and angles made of steel), when incorporated, will eliminate the need for the currently required repetitive short-interval inspections. The proposed AD would retain the current repetitive inspections contained in AD 80-26-05, and would require installing these improved design or approved steel parts as terminating action for the repetitive inspection requirement. The actions specified in the proposed AD are intended to prevent separation of the MLG inboard door from the airplane caused by a cracked inboard door hinge or attachment angle, which could result in the MLG becoming jammed with consequent loss of control of the airplane during landing operations.

DATES: Comments must be received on or before December 26, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 96-CE-69-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 relates 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: Christina Marsh, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6079; 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. 96-CE-69-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. 96-CE-69-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

On December 1, 1995, the FAA issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Piper Models PA-31, PA-31-325, PA-31-350, PA-31P, PA-31T, and PA-31T1 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 7, 1995 (60 FR 62774), and proposed to supersede AD 80-26-05, Amendment 39-3994. The NPRM proposed to (1) retain the requirement of repetitively inspecting the main landing gear (MLG) inboard door hinges and attachment angles for cracks, and replacing any cracked MLG inboard door hinge or attachment angle; and (2) require incorporating a MLG inboard

door hinge and attachment angle assembly of improved design (part number 47529-32) or FAA-approved hinges and angles made of steel, as terminating action for the repetitive inspection requirement.

Accomplishment of the proposed inspections would have been in accordance with Piper Service Bulletin (SB) No. 682, dated July 24, 1980.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration was given to the one comment received.

Explanation of the Comment Received on the NPRM

The comment received on the NPRM contained information that the improved design hinge assemblies, part number (P/N) 47529-32, are also susceptible to fatigue cracking, and that installing this assembly should not eliminate the need for the repetitive inspections currently required by AD 80-26-05. The commenter states that its airplane fleet has experienced three failures and three incidents related to fatigue cracking of the P/N 47529-32 hinge assemblies.

Subsequent Actions

The FAA conducted a review of the manufacturer's service history and service difficulty reports in the FAA database associated with the P/N 47529-32 MLG inboard door hinge assembly. Based on a review of this information, including the information received from the commenter, the FAA determined that more information and analysis were needed before MLG inboard door hinge assembly replacements were mandated through an AD, as terminating action for the repetitive inspections currently required by AD 80-26-05.

With the above information in mind, the FAA issued, on February 11, 1997, an advance notice of proposed rulemaking (ANPRM) to provide an opportunity for the general public to participate in the decision as to what course of rulemaking the FAA should take. The ANPRM was published in the **Federal Register** on February 19, 1997 (62 FR 7375). At this time, the FAA also withdrew the NPRM.

Interested persons were encouraged to provide information that describes what they consider the best action (if any) to be taken regarding the P/N 47529-32 MLG hinge assembly. No information or comments were received on the ANPRM.

The FAA's Analysis and Determination

The FAA service difficulty database contains 10 reports of failure or cracks found in the MLG inboard door hinge assembly on the affected airplanes. Six of these reports were submitted by the commenter to the NPRM, with three of these incidents attributed to the original MLG inboard door hinge assemblies. The other four reports are not clear as to whether the original MLG inboard door hinge assemblies were installed or the improved design assemblies were installed. However, the incidents occurred on high service time airplanes and, since there is no AD action mandating the installation of the improved design MLG inboard door hinge assemblies, the FAA presumes that the original hinge assemblies were installed.

The FAA has reviewed the three incident reports on the improved design MLG inboard door hinge assemblies and performed extensive testing and analysis of the improved design MLG inboard door hinge assemblies. The FAA has determined that the incidents were isolated and that mandating repetitive inspections is not needed when the P/N 47529-32 MLG inboard door hinge assemblies are installed. The FAA has determined that Piper Model PA-31-300 airplanes incorporate the same type design as the other PA-31 series airplanes and could incorporate the same part number MLG inboard door hinge assemblies.

After reviewing all available information related to this subject, including the referenced service information, the FAA has determined that AD action should be taken to (1) eliminate the repetitive short-interval inspections required by AD 80-26-05; and (2) prevent separation of a MLG door from the airplane caused by a cracked inboard door hinge or attachment angle, which could result in the MLG becoming jammed with consequent loss of control of the airplane during landing operations.

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, PA-31P, PA-31T, and PA-31T1 airplanes of the same type design, the FAA is proposing an AD. The proposed AD would supersede AD 80-26-05 with a new AD that would (1) retain the requirement of repetitively inspecting the MLG inboard door hinges and attachment angles for cracks, and replacing any cracked MLG inboard

door hinge or attachment angle; and (2) require incorporating a MLG inboard door hinge and attachment angle assembly of improved design (part number 47529-32) or FAA-approved hinges and angles made of steel, as terminating action for the repetitive inspection requirement.

Accomplishment of the proposed inspections would be in accordance with Piper SB No. 682, dated July 24, 1980.

The FAA's Aging Commuter-Class Aircraft Policy

The actions proposed in this AD are part of the FAA's aging commuter-class aircraft policy, which briefly states that, when a modification exists that could eliminate or reduce the number of required critical inspections, the modification should be incorporated. This policy is based on the FAA's determination that reliance on critical repetitive inspections on aging commuter-class airplanes carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. In determining what inspections are critical, the FAA considers (1) the safety consequences of the airplane if the known problem is not detected by the inspection; (2) the reliability of the inspection such as the probability of not detecting the known problem; (3) whether the inspection area is difficult to access; and (4) the possibility of damage to an adjacent structure as a result of the problem.

The alternative to installing the improved design hinge assemblies on the affected airplanes would be to rely on the repetitive inspections required by AD 80-26-05 to detect cracks in these areas.

Cost Impact

The FAA estimates that 1,769 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 2 workhours per airplane to accomplish the proposed replacement, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$2,000 per airplane (\$500 per assembly \times 4 assemblies per airplane). Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$3,750,280 or \$2,120 per airplane. This figure is based on the presumption that no affected airplane owner/operator has accomplished the proposed replacement.

Piper has informed the FAA that hinge assemblies have been distributed to equip approximately 400 (1,600

separate assemblies) of the affected airplanes. Presuming that 400 of the affected airplanes have four of these hinge assemblies incorporated, the cost impact of the proposed AD upon U.S. owners/operators of the affected airplanes would be reduced by \$848,000 from \$3,750,280 to \$2,902,280.

The intent of the FAA's aging commuter airplane program is to ensure safe operation of commuter-class airplanes that are in commercial service without adversely impacting private operators. The FAA believes that a large number of the remaining 1,369 affected airplanes (1,769 affected airplanes—400 airplanes) that would be affected by the proposed AD are operated in various types of air transportation. This includes scheduled passenger service, air cargo, and air taxi.

The proposed AD would allow 800 hours time-in-service (TIS) after the effective date of the proposed AD before mandatory accomplishment of the design modification. The average utilization of the fleet for those airplanes in air transportation is between 25 to 40 hours TIS per week. Based on these figures, operators of commuter-class airplanes involved in commercial operation would have to accomplish the proposed modification within 5 to 8 months after the proposed AD would become effective. For private owners, who typically operate between 100 to 200 hours TIS per year, this would allow 4 to 8 years before the proposed modification would be mandatory.

Compliance Time of the Proposed AD

The FAA established the 800 hours TIS replacement compliance time based on its engineering evaluation of the problem. Among the issues examined in this engineering evaluation were analysis of service difficulty reports, the difficulty level of the inspection, and how critical the situation would be if cracks occurred in the subject area despite accomplishment of the repetitive inspections.

Usually, the FAA establishes the mandatory design modification compliance time on AD's affecting aging commuter-class airplanes upon the accumulation of a certain number of hours TIS on the airplane. For this action, the FAA is proposing to mandate the modification for all operators "within the next 800 hours TIS after the effective date of this AD." The total TIS levels of the airplane fleet vary from under 1,000 hours TIS to over 5,000 hours TIS, and annual accumulation rates vary from 50 hours TIS to over 1,000 hours TIS. Establishing a long-term set compliance time of hours TIS

accumulated on Piper Models PA-31, PA-31-300, PA-31-325, PA-31-350, PA-31P, PA-31T, and PA-31T1 airplanes (such as 5,000 hours TIS) would impose an undue burden on the manufacturer of having to maintain a supply of replacement parts for the entire fleet when many airplanes in the fleet may never reach this compliance time.

Instead, the FAA believes that Piper should maintain parts for several years; in this case about 8 years to allow low-usage airplanes time to accumulate the 800 hours after the effective date of the AD. The FAA has determined that the compliance time of the proposed rule provides the level of safety required for commuter air service and general aviation, while still minimizing the impact on the private airplane owners of Piper Models PA-31, PA-31-300, PA-31-325, PA-31-350, PA-31P, PA-31T, and PA-31T1 airplanes.

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 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), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 80-26-05, Amendment 39-3994, and by adding a new AD to read as follows:

The New Piper Aircraft, Inc. (formerly Piper Aircraft Corporation): Docket No. 96-CE-69-AD. Supersedes AD 80-26-05, Amendment 39-3994.

Applicability: The following model and serial number airplanes, certificated in any category, that are not equipped with Piper part number (P/N) 47529-32 main landing gear (MLG) inboard door hinge assemblies or FAA-approved MLG inboard door hinges and attachment angles made of steel at all four hinge assembly locations:

Models	Serial numbers
PA-31, PA-31-300, and PA-31-325.	31-2 through 31-8012077.
PA-31-350	31-5001 through 31-8052168.
PA-31P	31P-3 through 31P-7730012.
PA-31T	31T-7400002 through 31T-8020076.
PA-31T1	31T-7804001 through 31T-8004040.

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 (g) 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 as indicated in the body of this AD, unless already accomplished.

To prevent separation of a MLG door from the airplane caused by a cracked MLG inboard door hinge or attachment angle, which could result in the MLG becoming jammed with consequent loss of control of the airplane during landing operations, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished (compliance with AD 80-26-05), and thereafter at intervals not to exceed 100 hours TIS until the modification required by paragraph (c) or (d) of this

AD is incorporated, inspect (using dye penetrant methods) the MLG inboard door hinges and attachment angles for cracks. Accomplish the inspections in accordance with the INSTRUCTIONS section of Piper Service Bulletin No. 682, dated July 24, 1980.

(b) The initial dye penetrant inspection type must be utilized for all future repetitive inspections. Dye penetrant inspection types consist of Type I: fluorescent; Type II: non-fluorescent or visible dye; and Type III: dual sensitivity.

(c) If cracks are found during any of the inspections required in paragraph (a) of this AD, prior to further flight, install a Piper P/N 47529-32 MLG inboard door hinge and attachment angle assembly or install FAA-approved MLG inboard door hinges and angles made of steel.

(d) Within the next 800 hours TIS after the effective date of this AD, unless already accomplished as required by paragraph (c) of this AD, install a Piper P/N 47529-32 MLG inboard door hinge and attachment angle assembly in all four hinge assembly locations or install FAA-approved MLG inboard door hinges and angles made of steel in all four hinge assembly locations.

(e) Installing a Piper P/N 47529-32 MLG inboard door hinge and attachment angle assembly in all four assembly locations or installing FAA-approved MLG inboard door hinges and angles made of steel in all four assembly locations as required by paragraphs (c) and (d) of this AD is considered terminating action for the repetitive inspection requirement of this AD.

(f) 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.

(g) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), 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 80-26-05 (superseded by this action) are not considered approved as alternative methods of compliance with 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.

(h) All persons affected by this directive may obtain copies of the document 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.

(i) This amendment supersedes AD 80-26-05, amendment 39-3994.

Issued in Kansas City, Missouri, on October 14, 1997.

Mary Ellen Schutt,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-27794 Filed 10-20-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 655

[FHWA Docket No. 96-47, FHWA 97-2295, Notice No. 1]

RIN 2125-AE11

National Standards for Traffic Control Devices; Revision of the Manual on Uniform Traffic Control Devices; Markings, Signals, and Traffic Control Systems for Railroad-Highway Grade Crossings

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed amendment to the Manual on Uniform Traffic Control Devices (MUTCD), reopening and extension of comment period.

SUMMARY: The FHWA is reopening and extending the comment period for a notice of proposed amendment to the MUTCD which was published January 6, 1997, at 62 FR 691. The original comment period was set to close on August 30, 1997. This extension responds to concern expressed by the National Committee on Uniform Traffic Control Devices (NCUTCD) that the August 30 closing date does not provide sufficient time for appropriate response to the proposed MUTCD change. The FHWA recognizes that other commenters may be subject to similar time constraints and agrees that the comment period should be reopened and extended. Therefore, the closing date for comments is extended to December 22, 1997, in order to provide the NCUTCD and other interested commenters additional time to evaluate the proposed changes and to submit responses.

DATES: Submit comments on or before December 22, 1997.

ADDRESSES: Signed, written comments should refer to the docket number that appears at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington DC 20590-0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday,

except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: For information regarding the notice of proposed amendment contact Ms. Linda Brown, Office of Highway Safety, Room 3408, (202) 366-2192, or Mr. Raymond Cuprill, Office of Chief Counsel, Room 4217, (202) 366-0834, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: As noted, the original comment period for the January 6, 1997, notice of proposed amendment to the MUTCD closed on August 30, 1997. The NCUTCD has expressed concern that this closing date does not provide sufficient time to review the proposed change, consolidate comments, and submit these comments to its member organizations for approval. The NCUTCD only meets in January and June of each year to vote as a full body on proposals and issues relating to the MUTCD. Judging from the number of comments received so far to this docket and considering the large amount of materials contained in this docket, we believe there may be other interested persons who need additional time to respond.

The MUTCD is available for inspection and copying as prescribed in 49 CFR part 7, appendix D. It may be purchased for \$44.00 from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954, Stock No. 650-001-00001-0.

Authority: 23 U.S.C. 315, 49 CFR 1.48.

Issued: October 8, 1997.

Gloria J. Jeff,

Acting Federal Highway Administrator.

[FR Doc. 97-27741 Filed 10-20-97; 8:45 am]

BILLING CODE 4910-22-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX 57-1-7183: FRL-5911-6]

Approval and Promulgation of State Implementation Plans (SIP) for Texas: Houston Vehicle Miles Traveled (VMT) Offset Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.