

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 33

[Docket No. 98-ANE-119; Notice No. 33-98-01-SC]

#### Special Conditions: Turbomeca S.A., Model Arriel 2S1 Turboshaft Engine

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

**SUMMARY:** This notice proposes special conditions for the Turbomeca S.A., of Bordes, France, Model Arriel 2S1 turboshaft engine. This engine was validated on June 10, 1996, by the FAA and Type Certificate No. E00054EN was issued. The engine will have an additional new novel or unusual engine rating. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. This document contains the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by existing airworthiness standards.

**DATES:** Comments must be submitted on or before May 29, 1998.

**ADDRESSES:** Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules, Docket No. 98-ANE-119, 12 New England Executive Park, Burlington, Massachusetts 01803-5299. Comments must be marked: Docket No. 98-ANE-119. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@faa.dot.gov". Comments sent via the Internet must contain the docket number in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Mr. Chung Hsieh, Engine and Propeller

Standards Staff, ANE-110, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803-5229; (781) 238-7115; Fax (781) 238-7199.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this proposal will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this proposed special condition must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98-ANE-119". The postcard will be date stamped and returned to the commenter.

##### Background

On March 19, 1998, Turbomeca S.A., applied for an amendment to Type Certificate No. E00054EN to include a new 30-minute engine rating to Model Arriel 2S1 turboshaft engine. The rating is intended for use up to 30 minutes at any time after takeoff in a flight for performing search and rescue missions. The Model Arriel 2S1 turboshaft engine will be rated at 30-Second one engine inoperative (OEI), 2-Minute OEI, Continuous OEI, 30-Minute, Takeoff, and Maximum Continuous ratings.

The applicable airworthiness requirements do not contain a definition for a "30-minute" power rating, and do not contain adequate or appropriate safety standards of this new and unusual engine rating.

#### Type Certification Basis

Under the provisions of 14 CFR 21.101, Turbomeca S.A., must show that the Model Arriel 2S1 turboshaft engine meets the requirements of the applicable regulations in effect on the date of the application, or the applicable provisions of the regulations incorporated by reference in Type Certificate No. E00054EN. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis". The regulations incorporated by reference in Type Certificate No. E00054EN are §§ 21.29 and part 33, effective February 1, 1965, as amended by Amendments 33-1 through 33-14, and Special Conditions SC-33-ANE-05, Docket No. 95-ANE-46, published on April 15, 1996 (61 FR 16375).

The Administrator finds that the applicable airworthiness regulations in part 33, as amended, do not contain adequate or appropriate safety standards for the additional new engine rating for the Model Arriel 2S1 turboshaft engine because it is a novel or unusual engine rating feature, special conditions are prescribed under the provision of 14 CFR 21.16.

Special conditions, as appropriate, are issued in accordance with 14 CFR 11.49 after public notice, as required by §§ 11.28 and 11.29(b), and become part of the type certification basis in accordance with 14 CFR 21.101(b)(2).

#### Novel or Unusual Design Features

The Turbomeca S.A., Model Arriel 2S1 turboshaft engine will incorporate the following novel or unusual design features: Rated 30-minute power. The power available for rotorcraft hovering to perform maritime search and rescue missions is currently limited to the maximum continuous rating power under current part 33. The proposed "30-minute power" rating would provide higher power level than currently available for use up to 30 minutes at any time between takeoff and landing in one flight. This new rating will enhance rotorcraft safety through the availability of increased power for hovering operations calling for greater than maximum continuous power.

#### Applicability

As discussed above, these special conditions are applicable to the Turbomeca S.A., Model Arriel 2S1

turboshaft engine. Should Turbomeca S.A., of Bordes, France, apply at a later date for a change to the type certificate to include another model incorporating the same or novel or unusual design feature, the special conditions would apply to that model as well under the provisions of 14 CFR 21.101(a)(1).

### Conclusion

This action affects only certain novel or unusual design features on one model of engines. It is not a rule of general applicability and it affects only the applicant who applied to the FAA for approval of these features on the engine.

### List of Subjects in 14 CFR Part 33

Air Transportation, Aircraft, Aviation safety, Safety.

The authority citations for these special conditions is as follows:

**Authority:** 49 U.S.C. App. 1354(a), 1421, 1423; 49 U.S.C. 106(g).

### The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the Turbomeca S.A., Model Arriel 2S1 turboshaft engine:

#### Section 33.4, Instructions for Continued Airworthiness

(a) In addition to the requirements of § 33.4, the procedures must:

(1) Ensure that the engine deterioration in service will not exceed the level shown in certification using the rated 30-minute rating.

(2) Be included in the airworthiness limitations section of the Instructions for Continued Airworthiness.

#### Section 33.7, Engine Ratings and Operating Limitations

(a) In addition to the ratings provided in § 33.7, a "Rated 30-minute power" rating is available, which shall be defined as the approved brake horsepower developed under static conditions at specified altitudes and temperatures within the operating limitations established under part 33 of this chapter, and limited in use to periods of not over 30 minutes each.

#### Section 33.87, Endurance Test.

(a) Unless already accomplished under § 33.87(d), in addition to the requirements of § 33.87, the following test must be conducted:

**Rated 30-minute power.** Thirty minutes at rated 30-minute power during the twenty-five 6-hour endurance test cycles.

Issued in Burlington, Massachusetts on April 21, 1998.

**Jay J. Pardee,**

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 98-11337 Filed 4-28-98; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 901

[SPATS No. AL-065-FOR]

#### Alabama Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

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

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Alabama regulatory program (hereinafter the "Alabama program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to and additions of statutes pertaining to the small operator assistance program (SOAP), the repair of homes and other structures materially damaged by underground coal mining, and the replacement of affected water supplies. The amendment is intended to revise the Alabama program to be consistent with SMCRA.

This document sets forth the times and locations that the Alabama program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

**DATES:** Written comments must be received by 4:00 p.m., c.d.t., May 29, 1998. If requested, a public hearing on the proposed amendment will be held on May 26, 1998. Requests to speak at the hearing must be received by 4:00 p.m., c.d.t. on May 14, 1998.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to Arthur Abbs, Director, Birmingham Field Office, at the address listed below.

Copies of the Alabama 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 contacting OSM's Birmingham Field Office.

Arthur Abbs, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209, Telephone: (205) 290-7282.

Alabama Surface Mining Commission, 1811 Second Avenue, P.O. Box 2390, Jasper, Alabama 35502-2390, Telephone (205) 221-4130.

**FOR FURTHER INFORMATION CONTACT:** Arthur Abbs, Director, Birmingham Field Office, Telephone: (205) 290-7282.

#### SUPPLEMENTARY INFORMATION:

#### I. Background on the Alabama Program

On May 20, 1982, the Secretary of the Interior conditionally approved the Alabama program. Background information on the Alabama program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the May 20, 1982, **Federal Register** (47 FR 22062). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 901.15 and 901.16.

#### II. Description of the Proposed Amendment

By letter dated April 14, 1998 (Administrative Record No. AL-5079), Alabama submitted a proposed amendment to its program pursuant to SMCRA. Alabama submitted the proposed amendment in response to a May 20, 1996, letter (Administrative Record No. AL-0555) and a June 17, 1997, letter (Administrative Record No. AL-0568) that OSM sent to Alabama in accordance with 30 CFR 732.17(c). Alabama proposes to amend the Alabama Surface Mining Control and Reclamation Act. The full text of the proposed program amendment submitted by Alabama is available for public inspection at the locations listed above under **ADDRESSES**. A brief discussion of the proposed amendment is presented below.

#### A. Section 9-16-82. Permits; Fee

1. Alabama proposes to revise paragraph (c) to read as follows:

(C)(1) If the regulatory authority finds that the probable total annual production at all locations of any surface coal mining operator will not exceed 300,000 tons, the cost of the