

# 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 39

[Docket No. 97-ANE-36-AD]

#### Airworthiness Directives; MT-Propeller Entwicklung GMBH Model MTV-3-B-C Propellers

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to revise an existing airworthiness directive (AD), applicable to MT-Propeller Entwicklung GMBH Model MTV-3-B-C propellers, that currently requires initial and repetitive dye penetrant or eddy current inspections for cracks in the propeller hub, and rework of the propeller hub or replacement with a new model propeller hub. This action would allow the repetitive dye penetrant inspections to be performed on-wing as opposed to at approved propeller repair stations, and to mark B-050 propeller hubs that have been modified in accordance with the current AD or this revision. This proposal is prompted by issuance of a revised service bulletin that describes procedures for on-wing inspections. The actions specified by the proposed AD are intended to prevent propeller hub cracks, which could result in propeller blade separation and possible loss of control of the aircraft.

**DATES:** Comments must be received by February 1, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-ANE-36-AD, 12 New England Executive Park, Burlington, MA 01803-5299. 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. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from MT-Propeller Entwicklung GMBH, Airport Straubing-Wallmuhle, D-94348 Atting, Germany; telephone (0 94 29) 84 33, fax (0 94 29) 84 32, Internet: "propeller@aol.com". This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

**FOR FURTHER INFORMATION CONTACT:** Terry Fahr, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7155, fax (781) 238-7199.

#### 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 summarizing 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 Number 97-ANE-36-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, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-ANE-36-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

#### Discussion

On September 26, 1997, the Federal Aviation Administration (FAA) issued AD 97-21-01, Amendment 39-10154 (62 FR 52225, October 7, 1997), applicable to MT-Propeller Entwicklung GMBH Model MTV-3-B-C propellers, to require initial and repetitive dye penetrant or eddy current inspections for cracks in the propeller hub, and rework of the propeller hub or replacement with a new model propeller hub. That action was prompted by reports of cracks in the propeller flange area of the hub detected during overhaul. That condition, if not corrected, could result in propeller hub cracks, which could result in propeller blade separation and possible loss of control of the aircraft.

Since the issuance of that AD, MT-Propeller Entwicklung GMBH issued Service Bulletin (SB) No. 12C, dated April 3, 1998, that describes procedures for optional on-wing inspections. The FAA has revised the compliance section of this proposed rule to clarify when on-wing inspections are permissible.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would revise AD 97-21-01 to allow repetitive dye penetrant inspections to be performed on-wing as opposed to at approved propeller repair stations, and to mark B-050 propeller hubs that have been modified in accordance with the current AD or this revised AD.

There are approximately 122 propellers of the affected design in the worldwide fleet. The FAA estimates that 57 propellers installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per propeller to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$17,100.

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 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), 40113, 44701.

##### § 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-10154 (62 FR 52225, October 7, 1997), and by adding a new airworthiness directive, to read as follows:

**MT-Propeller Entwicklung GMBH:** Docket No. 97-ANE-36-AD. Revises AD 97-21-01, Amendment 39-10154.

**Applicability:** MT-Propeller Entwicklung GMBH Model MTV-3-B-C/L250-21 propellers. These propellers are installed on but not limited to Sukhoi 29 aircraft.

**Note 1:** This airworthiness directive (AD) applies to each propeller 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 propellers 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 (c) 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, unless accomplished previously.

To prevent propeller hub cracks, which could result in propeller blade separation and possible loss of control of the aircraft, accomplish the following:

(a) Within 50 hours time in service (TIS) after the effective date of this AD, accomplish the following:

(1) Perform an initial dye penetrant or eddy current inspection of propeller hub, part number (P/N) B-050 or A-909-A, in accordance with paragraph (a) of MT-Propeller Entwicklung GMBH Service Bulletin (SB) No. 12C, dated March 4, 1998. The dye penetrant inspection may be done on-wing, but the eddy current inspection must be performed in an FAA-approved propeller repair station.

(2) If cracks are found, prior to further flight, remove the existing propeller hub and replace with a serviceable propeller hub.

(3) Rework propeller hubs, P/N B-050, by chamfering the hub bore to 0.08 inch x 45 degrees (for further information, see Detail Y of MT-Propeller Entwicklung GMBH SB No. 12C, dated March 4, 1998). Mark hubs that have been reworked in accordance with AD 97-21-01, or this revised AD, with the letters SB12C using a metal impression stamp (1/8 inch round bottom characters) above the propeller hub serial number and part number, located in the transition area between propeller blades 1 and 2 and the pitch change cylinder.

(b) Thereafter, perform dye penetrant or eddy current inspections, in accordance with paragraph (a) of MT-Propeller Entwicklung GMBH Service Bulletin (SB) No. 12C, dated March 4, 1998. The dye penetrant inspection may be done on-wing, but the eddy current inspection must be performed in an FAA-approved propeller repair station:

(1) For propellers with hubs, P/N B-050, inspect at intervals not to exceed 50 hours TIS, or 6 months since last inspection, whichever occurs first.

(2) For propellers with hubs, P/N A-909-A, inspect at intervals not to exceed 200 hours TIS, or 12 months since last inspection, whichever occurs first.

(3) If cracks are found, prior to further flight, remove the existing propeller hub and replace with a serviceable propeller hub.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Boston Aircraft Certification Office. Operators shall submit their requests through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Boston Aircraft Certification Office.

**Note 2:** Information concerning the existence of approved alternative methods of

compliance with this airworthiness directive, if any, may be obtained from the Boston Aircraft Certification Office.

(d) 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 aircraft to a location where the inspection requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on November 23, 1998.

**David A. Downey,**

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

[FR Doc. 98-31859 Filed 11-30-98; 8:45 am]

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#### DEPARTMENT OF THE INTERIOR

#### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 926

[SPATS No. MT-019-FOR]

#### Montana Regulatory Program

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

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

**SUMMARY:** Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of a proposed amendment to the Montana regulatory program (hereinafter, the "Montana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of Montana's 1998 Vegetation Guidelines which are required by the Administrative Rules of Montana (ARM) at 26.24.726(1). The amendment is intended to revise the Montana program to be consistent with the corresponding Federal regulations.

**DATES:** Written comments must be received by 4:00 p.m., [m.s.t.] December 31, 1998. If requested, a public hearing on the proposed amendment will be held on December 28, 1998. Requests to present oral testimony at the hearing must be received by 4:00 p.m., [m.s.t.] on December 16, 1998.

**ADDRESSES:** Written comments should be mailed or hand delivered to Guy Padgett, Director, Casper Field Office, at the address listed below.

Copies of the Montana program, the proposed amendment, 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