

revision, 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 (e) 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 within the next 6 calendar months after the effective date of this AD, unless already accomplished.

To prevent failure of the flight control system caused by a corroded elevator torque tube, which, if not detected and corrected, could result in loss of control of the airplane, accomplish the following:

(a) Drill two .5 inch diameter holes in the inboard side of the elevator torque tube arm in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of and as specified in Figure 1 of Fairchild Aircraft Service Bulletin (SB) 226-27-050 or SB 227-27-028, both Issued: January 22, 1990, as applicable.

(b) Inspect the elevator torque tube in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Fairchild Aircraft SB 226-27-050 or SB 227-27-028, both Issued: January 22, 1990, as applicable. Prior to prior further flight, replace any corroded elevator torque tube with a new part of like design in accordance with the applicable maintenance manual.

(c) Apply a corrosion preventive compound in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Fairchild Aircraft SB 226-27-050 or SB 227-27-028, both Issued: January 22, 1990, as applicable.

(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 airplane to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Airplane Certification Office (ACO), FAA, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

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

(f) All persons affected by this directive may obtain copies of the service bulletins referred to herein upon request to Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490; or may examine these service bulletins at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on September 13, 1995.

Gerald W. Pierce,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-23216 Filed 9-18-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 95-CE-35-AD]

Airworthiness Directives; The New Piper Aircraft, Inc. (Formerly Piper Aircraft Corporation) Models PA23, PA23-150, PA23-160, PA23-235, and PA23-250 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 92-13-04, which currently requires preflight draining procedures on The New Piper Aircraft, Inc. (Piper) Models PA23-150 and PA23-160 airplanes. This proposed action would require installing external fuel ramp assemblies on Piper Models PA23, PA23-150, PA23-160, PA23-235, and PA23-250 airplanes, and incorporating pilots' operating handbook (POH) revisions for Piper Models PA23, PA23-150, and PA23-160 airplanes. Reports of water-in-the-fuel on the affected airplanes, regardless of whether the airplane owners/operators have accomplished preflight draining procedures, prompted the proposed action. The actions specified by the proposed AD are intended to prevent rough engine operation or complete loss of engine power caused by water-in-the-fuel.

DATES: Comments must be received on or before December 26, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-35-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.

FFC Engineering Specification 2810-002, Revision A, dated March 21, 1995, may be obtained from Floats & Fuel Cells, 4010 Pilot Drive, suite 3, Memphis, Tennessee 38118. Piper Service Bulletin (SB) No. 827A, dated November 4, 1988, 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: Ms. Juanita Craft-Lloyd, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7373; facsimile (404) 305-7348.

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. 95-CE-35-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 Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-35-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

Sixteen accidents since 1975 involving Piper PA23 series airplanes where water-in-the-fuel was believed to cause engine stoppage prompted the FAA to issue AD 90-23-18, Amendment 39-6782 (55 FR 46787; November 7, 1990), and AD 92-13-04, Amendment 39-8274 (57 FR 24938;

June 12, 1992). AD 92-13-04 superseded AD 90-23-18 and currently requires preflight draining procedures on Piper Models PA23-150 and PA23-160 airplanes, and was issued to prevent rough engine operation or complete loss of engine power because of water contamination in the fuel. AD 92-13-04 exempts from its requirements airplanes with a dual fuel drain kit, part number (P/N) 765-363, installed in accordance with Piper Service Bulletin (SB) 827A, dated November 4, 1988. AD 90-23-18 required the installation of dual fuel drain kits and the installation of internal wedges in the fuel tanks before its effectiveness was suspended and eventually superseded by AD 92-13-04.

Even with the issuance of, and the owners/operators' compliance with, AD 92-13-04, the FAA continues to receive reports of fuel-related problems where the cause is believed to be water-in-the-fuel. Some of these reports specify incidents involving Piper Models PA23-235 and PA23-250 airplanes. AD 92-13-04 did not apply to these airplane models because the FAA believed that the baffled fuel tanks included with these airplane models would channel the water towards the drain instead of the low spot.

Floats and Fuel Cells (FFC) has issued Engineering Specification 2810-002, Revision A, dated March 21, 1995, which specifies procedures for installing external fuel ramps on Piper PA23 series airplanes.

After examining all information related to the incidents and service reports described above including the referenced service information, the FAA has determined that:

- The preflight draining procedures required by AD 92-13-04 are not adequate in eliminating water from the fuel on the applicable Piper Models PA23-150 and PA23-160 airplanes, and external fuel ramps should be installed on these airplanes;
- External fuel ramps should be installed on certain Piper Models PA23, PA23-235, and PA23-250 airplanes in order to eliminate water in the fuel;
- External fuel ramps should be installed on any affected airplane with a dual fuel drain kit, part number (P/N) 765-363, installed in accordance with Piper SB 827A, dated November 4, 1988;
- Any affected airplane with Piper Fuel Tank Wedge Kit, part number 599-367, incorporated in accordance with Piper SB 932A, dated August 30, 1990, should not have external fuel ramps installed until the fuel tank is replaced; and
- AD action should be taken to require the installation of these external

fuel ramps in accordance with the instructions in FFC Engineering Specification 2810-002, Revision A, dated March 21, 1995.

Since an unsafe condition has been identified that is likely to exist or develop in other Piper Models PA23, PA23-150, PA23-160, PA23-235, and PA23-250 airplanes of the same type design, the proposed AD would supersede AD 92-13-04, Amendment 39-8274, with a new AD that would:

- Retain the preflight draining procedures required by AD 92-13-04 to require incorporating pilots' operating handbook (POH) revisions for Piper Models PA23, PA23-150, and PA23-160 airplanes that are not equipped with a dual fuel drain kit, part number (P/N) 765-363 (unless already accomplished). The POH revisions are included in Piper SB No. 827A, dated November 4, 1988;
- Require installing external fuel ramp assemblies on all the affected airplanes in accordance with FFC Engineering Specification 2810-002, Revision A, dated March 21, 1995; and
- Delay the compliance time for airplanes with Piper Fuel Tank Wedge Kit, part number 599-367, incorporated in accordance with Piper SB 932A, dated August 30, 1990, until a new fuel tank is installed.

The FAA estimates that 6,973 airplanes in the U.S. registry would be affected by the proposed installation, that it would take approximately 6 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$280 per airplane (\$140 per tank X 2 tanks per airplane). Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$4,462,720. This figure is based on the assumption that no affected airplane owner/operator has installed external fuel ramps. No fuel ramps have been distributed to the owners/operators of the affected airplanes.

In addition, incorporating the POH revisions as proposed would be required for approximately 2,046 airplanes in the U.S. registry. Since an owner/operator who holds a private pilot's certificate as authorized by sections 43.7 and 43.11 of the Federal Aviation Regulations (14 CFR 43.7 and 43.11) can accomplish this proposed action, the only cost impact upon the public is the time it takes to incorporate these POH revisions.

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 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 92-13-04, Amendment 39-8274 (57 FR 24938; June 12, 1992), and by adding a new AD to read as follows:

The New Piper Aircraft, Inc.: Docket No. 95-CE-35-AD; Supersedes AD 92-13-04, Amendment 39-8274.

Applicability: The following model and serial number airplanes, certificated in any category:

Models	Serial No.
PA23, PA23-150, and PA23-160.	23-1 through 23-2046.
PA23-235.	27-505 through 27-622.
PA23-250.	27-1 through 27-7405476 and 26-7554001 through 27-8154030.

Note 1: This AD applies to each airplane identified in the preceding applicability revision, 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 (d) 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 with whichever of the following is applicable:

- For airplanes that do not have Piper Fuel Tank Wedge Kit, part number 599-367, incorporated in accordance with Piper Service Bulletin (SB) 932A, dated August 30, 1990: Within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished; or
- For airplanes that do have Piper Fuel Tank Wedge Kit, part number 599-367, incorporated in accordance with Piper SB 932A, dated August 30, 1990: Upon installation of a new fuel tank, unless already accomplished.

To prevent water in the fuel tanks, which could result in rough engine operation or complete loss of engine power, accomplish the following:

(a) For all of the affected model and serial number airplanes, install external fuel ramps in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Floats and Fuel Cells (FFC) Engineering Specification 2810-002, Revision A, dated March 21, 1995.

(b) For all of the affected Models PA23, PA23-150, and PA23-160 airplanes that do not have a dual fuel drain kit, part number (P/N) 765-363, installed in accordance with Piper SB 827A, dated November 4, 1988, incorporate, into the Owners Handbook and Pilots' Operating Handbook, paragraphs 1 through 5 of the *Aircraft Systems Operating Instructions* that are contained in Part I of Piper SB 827A, unless already accomplished (compliance with superseded AD 92-13-04).

Note 2: Paragraphs 6 and 7 of the Handling and Servicing instructions that are contained in Part I of Piper SB No. 827A, dated November 4, 1988, are covered by AD 88-21-07 R1.

(c) 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.

(d) 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), Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Aircraft Certification Office.

(e) All persons affected by this directive may obtain copies of the Engineering Specification 2810-002, Revision A, dated March 21, 1995, upon request to Floats & Fuel Cells, 4010 Pilot Drive, suite 3, Memphis, Tennessee 38118. Piper SB No. 827A, dated November 4, 1988, may be obtained upon request from the Piper Aircraft Corporation, Customer Services, 2926 Piper Drive, Vero Beach, Florida 32960. These documents may be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment supersedes AD 92-13-04, Amendment 39-8274.

Issued in Kansas City, Missouri, on September 13, 1995.

Gerald W. Pierce,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-23215 Filed 9-18-95; 8:45 am]

BILLING CODE 4910-13-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[AD-FRL-5298-1]

Clean Air Act Proposed Disapproval of Operating Permits Program; Commonwealth of Virginia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed disapproval.

SUMMARY: EPA is proposing to disapprove the Commonwealth of Virginia's Operating Permits Program, which Virginia submitted in response to Federal requirements that States adopt programs providing for the issuance of operating permits to all major stationary sources and to certain other sources. EPA is proposing disapproval of Virginia's submittal because Virginia's program does not afford all persons who are entitled to seek judicial review of operating permits with the legal standing to obtain such review, does not assure that all sources required by the Clean Air Act (CAA) to obtain Title V permits will be required to obtain such permits, and does not contain an adequate provision for collection of Title V program fees.

DATES: Comments on this proposed action must be received in writing by October 19, 1995.

ADDRESSES: Comments should be submitted to Ray Chalmers, USEPA Region III; Air, Radiation, & Toxics

Division; 841 Chestnut Building; Philadelphia, PA 19107.

Copies of the State's submittal and other supporting information used in developing the proposed disapproval are available for inspection during normal business hours at the following location: U.S. EPA Region III; Air, Radiation, & Toxics Division; 841 Chestnut Building; Philadelphia, PA 19107.

FOR FURTHER INFORMATION CONTACT: Ray Chalmers, 3AT23; U.S. EPA Region III; Air, Radiation, & Toxics Division; 841 Chestnut Building; Philadelphia, PA 19107. (215) 597-9844.

SUPPLEMENTARY INFORMATION:

I. Introduction

Title V of the CAA, 42 U.S.C. §§ 7661-7611f, requires that States develop programs for issuing operating permits to all major stationary sources and to certain other sources, that they submit those programs to EPA by November 15, 1993, and that EPA approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the CAA and regulations promulgated at 40 Code of Federal Regulations (CFR) Part 70. The regulations promulgated at 40 CFR Part 70 define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which the EPA will approve or disapprove and oversee implementation of State operating permits programs (see 57 FR 32250 (July 21, 1992)). Where a program substantially, but not fully, meets the requirements of section 502 of the CAA or of Part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

Due in part to pending litigation over several aspects of the Part 70 rule promulgated on July 21, 1992, Part 70 is in the process of being revised. When the final revisions to Part 70 are promulgated, the requirements of the revised Part 70 will define EPA's criteria for the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which EPA will review State operating permits program submittals. Until the date on which the revisions to Part 70 are promulgated, the currently effective July 21, 1992 version of Part 70 shall be used as the basis for EPA review.