

# 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-CE-48-AD]

RIN 2120-AA64

#### **Airworthiness Directives; The New Piper Aircraft, Inc. Models PA-31, PA-31-300, PA-31-325, and PA-31-350 Airplanes**

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

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

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to certain The New Piper Aircraft, Inc. (Piper) Models PA-31, PA-31-300, PA-31-325, and PA-31-350 airplanes. The proposed AD would require replacing the lower wing splice plate and reworking the lower spar caps. The proposed AD results from numerous reports of fretting and cracking of the lower wing splice plates on Piper PA-31 series airplanes in Australia, and a report of one incident in the United States. The actions specified by the proposed AD are intended to prevent failure of the lower wing splice plate caused by fretting and cracking, which could result in loss of control of the airplane.

**DATES:** Comments must be received on or before October 30, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97-CE-48-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:** Christina Marsh, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748; telephone (404) 305-7362; 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. 97-CE-48-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. 97-CE-48-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

##### **Discussion**

The FAA has received numerous reports of fretting and cracking of the

lower wing splice plates on Piper PA-31 series airplanes in Australia, and a report of one incident in the United States. The lower wing spar splice plate on these airplanes is located at buttock line (BL) 0 and connects to the right and left wing lower spar caps. The fretting and cracking were discovered on the upper surface of the lower wing splice plates. The fretting is occurring because a sharp (unrounded and unchamfered) edge of the lower wing spar caps is rubbing against the upper surface of the lower wing spar plates. The residual stresses caused by the fretting could induce cracking in this area on the lower wing splice plates.

This condition, if not corrected in a timely manner, could result in failure of the lower wing splice plate with consequent loss of control of the airplane.

##### **Relevant Service Information**

Piper has issued Service Bulletin No. 1003, dated June 16, 1997, which specifies replacing the wing spar splice plate and reworking the lower spar caps. The following kits include the parts and procedures necessary for accomplishing this replacement and rework:

- Main Spar Splice Plate Replacement (Lower) Kit, Piper part number 766-640, which applies to Models PA-31, PA-31-300, and Piper PA-31-325 airplanes; and
- Main Spar Splice Plate Replacement (Lower) Kit, Piper part number 766-641, which applies to Model PA-31-350 airplanes.

##### **The FAA's Determination**

After examining the circumstances and reviewing all available information related to the incidents described above, including the referenced service information, the FAA has determined that AD action should be taken to prevent failure of the lower wing splice plate caused by fretting and cracking, 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, and PA-31-350 airplanes of the same type design, the proposed AD would require replacing the lower wing spar splice plate and reworking the lower spar caps.

Accomplishment of the replacement would be in accordance with the service information referenced in the "Relevant Service Information" section of this document.

**Cost Impact**

The FAA estimates that 1,700 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 8 workhours per airplane to accomplish the proposed replacement, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$210 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$1,173,000, or \$690 per airplane.

Piper has informed the FAA that parts have been distributed to equip 1 affected airplane. Presuming that this set of parts is installed on an affected airplane, the cost impact of the proposed AD would be reduced by \$690, from \$1,173,000 to \$1,172,310.

**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 adding a new airworthiness directive (AD) to read as follows:

**The New Piper Aircraft, Inc.:** Docket No. 97-CE-48-AD.

**Applicability:** The following airplane model 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

**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 (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 upon the accumulation of 2,500 hours time-in-service (TIS) on the lower spar splice plate or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished.

To prevent failure of the lower wing splice plate caused by fretting and cracking, which could result in loss of control of the airplane, accomplish the following:

(a) Replace the lower wing spar splice plate and rework the lower spar caps in accordance with the instructions included in the following kit, as applicable, and as referenced in Piper Service Bulletin No. 1003, dated June 16, 1997:

(1) Main Spar Splice Plate Replacement (Lower) Kit, Piper part number (P/N) 766-640, which applies to Models PA-31, PA-31-300, and Piper PA-31-325 airplanes; and

(2) Main Spar Splice Plate Replacement (Lower) Kit, Piper P/N 766-641, which applies to Model PA-31-350 airplanes.

(b) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

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

(d) 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 Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on August 15, 1997.

**Michael Gallagher,**  
Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-22336 Filed 8-21-97; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Airspace Docket No. 94-AWA-1]

**Proposed Modification of the Phoenix Class B Airspace Area; Arizona**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Supplemental notice of proposed rulemaking (SNPRM).

**SUMMARY:** On February 4, 1997, the FAA published a Notice of Proposed Rulemaking (NPRM) which proposed to modify the Phoenix (PHX), AZ, Class B airspace area. Specifically, that action proposed to: Reconfigure several area boundaries; create new areas; and raise and/or lower the floors of several of the existing areas. In the NPRM, several subareas of the PHX Class B airspace area were inadvertently plotted and described using incorrect bearings from the Phoenix Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC). This document corrects that error and amends the proposed legal description of the PHX Class B airspace area by changing the incorrect bearings to reflect the actual intentions of the FAA.

**DATES:** Comments must be received on or before September 22, 1997.

**ADDRESSES:** Send comments on the proposal in triplicate to the Federal Aviation Administration, Office of the