

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 39-8365 (57 FR 42693, September 16, 1992), and by adding a new airworthiness directive (AD), to read as follows:

Fokker: Docket 95-NM-253-AD. Supersedes AD 92-19-07, Amendment 39-8365.

Applicability: All Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 as indicated, unless accomplished previously.

To prevent reduced structural integrity of these airplanes, accomplish the following:

(a) Within 6 months after October 21, 1992 (the effective date of AD 92-19-07, amendment 39-8365), incorporate into the FAA-approved maintenance program the inspections, inspection intervals, repairs, or replacements defined in Fokker Structural Integrity Program (SIP) Document 27438, Part 1, including revisions up through November 1, 1991; and inspect, repair, and replace, as applicable. The non-destructive inspection techniques referenced in the SIP Document provide acceptable methods for accomplishing the inspections required by this AD. If any cracking is detected, inspection results must be reported to Fokker in accordance with the instructions of the SIP Document. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(b) Within 6 months after the effective date of this AD, incorporate into the FAA-approved maintenance program the

inspections, inspection intervals, repairs, or replacements defined in Fokker SIP Document 27438, Part 1, including revisions up through August 1, 1995; and inspect, repair, and replace, as applicable. The non-destructive inspection techniques referenced in the SIP Document provide acceptable methods for accomplishing the inspections required by this AD. If any cracking is detected, inspection results must be reported to Fokker in accordance with the instructions of the SIP Document.

(c) Cracked structure detected during the inspections required by paragraph (a) or (b) of this AD must be repaired or replaced, prior to further flight, in accordance with the instructions in Fokker SIP Document 27438, Part 1, including revisions up through November 1, 1991; or Fokker SIP Document 27438, Part 1, including revisions up through August 1, 1995; respectively; or in accordance with other data meeting the certification basis of the airplane which is approved by the FAA or by the Rijksluchtvaartdienst (RLD).

(d) 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, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(e) 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.

Issued in Renton, Washington, on April 4, 1996.

Darrell M. Pederson,
Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96-8918 Filed 4-9-96; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 95-NM-171-AD]

Airworthiness Directives; Fokker Model F28 Mark 0100 and 0070 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0100 and 0070 series airplanes. This proposal

would require modification of the wheel brake assembly on the main landing gear. This proposal is prompted by reports of aluminum brake pistons that have ballooned and failed. The actions specified by the proposed AD are intended to prevent such failure of the pistons, which could result in leakage of the hydraulic fluid, resultant loss of braking capability, and a possible brake fire.

DATES: Comments must be received by May 20, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-171-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Ruth Harder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-1721; fax (206) 227-1149.

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 shall 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 95-NM-171-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, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-171-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F28 Mark 0100 and 0070 series airplanes. The RLD advises that it has received reports of ballooned (bulging) aluminum brake pistons found on Fokker Model F28 Mark 0100 series airplanes. Some of these aluminum brake pistons had cracked and caused hydraulic leakage, which resulted in brake fires. Investigation revealed that heavy braking during a high kinetic energy landing or during a rejected takeoff (RTO) may result in high brake temperatures. These high temperatures are transferred to the aluminum brake pistons, and may result in bulging, cracking, and subsequent failure of the pistons. Such failure of the aluminum pistons, if not corrected, could result in leakage of hydraulic fluid, resultant loss of braking capability, and a possible brake fire.

The aluminum brake pistons installed on certain Fokker Model Mark 0100 series airplanes are identical to those installed on certain Fokker Model Mark 0070 series airplanes; therefore, both of these airplane models are subject to the same identified unsafe condition.

Fokker has issued Service Bulletin SBF100-32-092, dated January 11, 1995, which describes procedures for modification of the wheel brake assembly on the main landing gear. The modification entails replacing the aluminum brake pistons of certain brake assemblies with stainless steel pistons, which can tolerate higher temperatures. The Fokker service bulletin refers to Aircraft Braking Systems Service Bulletin Fo100-32-63, dated January 13, 1995, as an additional source of service information for accomplishment of the replacement. The Aircraft Braking Systems service bulletin also describes an alternative procedure that involves

installation of a cylinder sleeve kit, which will provide a longer wear brake assembly when certain other modifications are performed.

The RLD classified the Fokker service bulletin as mandatory and issued Dutch airworthiness directive BLA 1995-013 (A), dated February 28, 1995, in order to assure the continued airworthiness of these airplanes in the Netherlands.

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, the proposed AD would require modification of the wheel brake assembly on the main landing gear either by replacing the aluminum brake pistons with stainless steel brake pistons, or by installing a cylinder sleeve kit. The actions would be required to be accomplished in accordance with the service bulletins described previously.

The FAA estimates that 122 airplanes of U.S. registry would be affected by this proposed AD.

The proposed replacement of the brake pistons, if accomplished, would take approximately 9 work hours per airplane (when accomplished as part of a normal brake overhaul), at an average labor rate of \$60 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of this proposed replacement action on U.S. operators is estimated to be \$540 per airplane.

The proposed installation of the cylinder sleeve kit, if accomplished, would take approximately 9 work hours per airplane (when accomplished as part of a normal brake overhaul), at an average labor rate of \$60 per work hour. Required parts would cost approximately \$4,400 per airplane. Based on these figures, the cost impact of this proposed installation action on U.S. operators is estimated to be \$4,940 per airplane.

The cost impact figures discussed above are based on assumptions that no

operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Fokker: Docket 95-NM-171-AD.

Applicability: Model F28 Mark 0100 and 0070 series airplanes; equipped with Aircraft Braking Systems Corporation (ABSC) brake assemblies having part number (P/N) 5008132-2, -3, -4, -5, -6, or -7, all serial numbers; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been

otherwise 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 as indicated, unless accomplished previously.

To prevent loss of braking capability and possible brake fire due to failure of the brake pistons, accomplish the following:

(a) Within 9 months after the effective date of this AD, or at the next scheduled or unscheduled brake overhaul, whichever occurs first: Modify ABCS wheel brake assemblies having P/N 5008132-2, -3, -4, -5, -6, or -7, all serial numbers, by accomplishing either paragraph (a)(1) or (a)(2) of this AD.

(1) Replace the brake assemblies with modified units having stainless steel pistons, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100-32-092, dated January 11, 1995. Or

(2) Install a cylinder sleeve kit in accordance with Aircraft Braking Systems Service Bulletin Fo100-32-63, dated January 13, 1995.

(b) As of the effective date of this AD, no person shall install an ABCS brake assembly having part number 5008132-2, -3, -4, -5, -6, or -7, on any airplane unless it has been modified in accordance with Fokker Service Bulletin SBF100-32-092, dated January 11, 1995, or Aircraft Braking Systems Service Bulletin Fo100-32-63, dated January 13, 1995.

(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, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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.

Issued in Renton, Washington, on April 4, 1996.

Darrell M. Pederson,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.
[FR Doc. 96-8916 Filed 4-9-96; 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-018-FOR]

Montana Regulatory Program

AGENCY: Office of Surface Mining, Reclamation and Enforcement, U.S. Department of the Interior.

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

SUMMARY: The 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 revisions to the Montana Coal and Uranium Bureau's rules pertaining to permit renewals, permit requirements, and notice of intent to prospect. The amendment is intended to revise the Montana program to provide additional safeguards, clarify ambiguities and improve operational efficiency.

DATES: Written comments must be received by 4:00 p.m., m.d.t. on May 10, 1996. If requested, a public hearing on the proposed amendment will be held on May 6, 1996. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.d.t. on April 25, 1996.

ADDRESSES: Written comments should be mailed or hand delivered to the Casper Field Office Director 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 address 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 Casper Field Office.

Guy Padgett, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East "B" Street, Federal Building—Room 2128, Casper, Wyoming 82601-1918
Gary Amestoy, Administrator, Reclamation Division, Dept. of Environmental Quality, P.O. Box 201601, Helena, Montana 59620, Telephone 406/444-2074

FOR FURTHER INFORMATION CONTACT: Guy Padgett, Telephone: 307/261-6500.

SUPPLEMENTARY INFORMATION:

I. Background of the Montana Program

On April 1, 1980, the Secretary of the Interior conditionally approved the Montana program. General background information on the Montana program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Montana program can be found in the April 1, 1980, Federal Register (45 FR 21560). Subsequent actions concerning Montana's program and program amendments can be found at 30 CFR 926.15, 926.16 and 926.30.

II. Proposed Amendment

By letter dated March 5, 1996, Montana submitted a proposed amendment to its program pursuant to SMCRA (administrative record No. MT-15-01, 30 U.S.C. 1201 *et seq.*). Montana submitted the proposed amendment at its own initiative. The provisions of the Administrative Rules of Montana that Montana proposed to revise were: 26.4.410, permit renewal; 26.4.1001, permit requirement; and 26.4.1001A, notice of intent to prospect.

Specifically, Montana proposes to revise the Montana program to 1) revise the timeframe for the application of strip mine operating permit renewals from the present 120 to 150 days, to the proposed 240 to 300 days and on an application form provided by the Montana Department of Environmental Quality; 2) add a requirement that for prospecting (exploration) activities that are conducted to determine the location, quality or quantity of a natural mineral deposit and that will substantially disturb, as defined in ARM 26.4.301, the natural land surface, a permit will be required; and 3) that a notice of intent be filed with the Montana Department of Environmental Quality for prospecting (exploration) conducted for the purpose of determining the location, quality, or quantity of a natural mineral deposit but does not substantially disturb, as defined in ARM 26.4.301, the natural land surface.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Montana program.

1. Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include