

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

**Alexander Schleicher:** Docket No. 97-CE-103-AD.

**Applicability:** Model ASK-21 sailplanes, all serial numbers, certificated in any category, that are equipped with the modifications in Alexander Schleicher Technical Note (TN) 3 or TN 7.

**Note 1:** This AD applies to each sailplane 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 sailplanes 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 within the next 3 calendar months after the effective date of this AD, unless already accomplished.

To prevent the operator from using inaccurate weight and balance information provided in the sailplane flight manual (SFM), which, if not corrected, could lead to hazardous flight conditions, accomplish the following:

(a) Remove page 2 (dated May 16, 1984) and page 13 (dated February 16, 1984) from the Alexander Schleicher Model ASK-21 SFM, and replace these pages with new pages 2 and 13, both dated June 4, 1984, in accordance with Alexander Schleicher ASK-21 Technical Note No. 13a, dated June 4, 1984.

(b) Incorporating the SFM revisions, as required by this AD, may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7

of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(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 sailplane 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, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to Alexander Schleicher Technical Note No. 13a, dated June 4, 1984, should be directed to Alexander Schleicher, Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe, Federal Republic of Germany; telephone 49.6658.890 or 49.6658.8920; facsimile: 49.6658.8923 or 49.6658.8940. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

**Note 3:** The subject of this AD is addressed in German AD No. 84-32/2 Schleicher, dated June 12, 1984.

Issued in Kansas City, Missouri, on February 4, 1998.

**John R. Colomy,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 98-3518 Filed 2-11-98; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

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

RIN 2120-AA64

#### Airworthiness Directives; The New Piper Aircraft, Inc. (Formerly Piper Aircraft Corporation) Models PA-23 (PA-23-150), PA-23-160, PA-23-235, and PA-23-250 Airplanes

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

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); reopening of the comment period.

**SUMMARY:** This document proposes to revise an earlier proposed airworthiness

directive (AD) that would have required installing external fuel ramp assemblies on The New Piper Aircraft, Inc. (Piper) Models PA-23 (PA-23-150), PA-23-160, PA-23-235, and PA-23-250 airplanes, and incorporating pilots' operating handbook (POH) revisions for Piper Models PA-23 (PA-23-150), and PA-23-160 airplanes. That proposed AD would have superseded AD 92-13-04, which currently requires preflight draining procedures on Piper Models PA-23 (PA-23-150) and PA-23-160 airplanes. The proposed AD was the result of reports of water-in-the-fuel on the affected airplanes, even on those where the airplane owners/operators had accomplished preflight draining procedures. The actions specified in the proposed AD are intended to assist in eliminating water in the fuel tanks, which could result in rough engine operation or complete loss of engine power. Comments received on the proposal specify an additional alternative to the proposed AD, and the Federal Aviation Administration (FAA) has determined that this alternative should be added to the proposal. Based upon these comments on the original proposal and the amount of time that has elapsed since issuance of this proposal, the FAA has determined that the comment period for the proposal should be reopened and the public should have additional time to comment.

**DATES:** Comments must be received on or before April 13, 1998.

**ADDRESSES:** Submit comments in triplicate to the FAA, Central Region, Office of the Regional 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. The instructions included with Transamerican Enterprises, Inc. TAE102688 Piper PA 23 Fuel Cell Drain Installation, dated September 30, 1996, may be obtained from Transamerican Enterprises, Inc., 6778 Skyline Drive, Delray Beach, Florida 33446. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Wayne A. Shade, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; *telephone:* (770) 703-6094; *facsimile:* (770) 703-6097.

**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 supplemental 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 supplemental 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 Supplemental NPRM's**

Any person may obtain a copy of this supplemental NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 95-CE-35-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

**Discussion**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Piper Models PA-23 (PA-23-150), PA-23-160, PA-23-235, and PA-23-250 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 19, 1995 (60 FR 48433). The action proposed to 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 PA-23 (PA-23-150) and PA-23-160 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.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

*Comment No. 1: No Need for AD Action*

Thirty seven commenters claim that no AD is required because, if current procedures were followed, the potential for water in the fuel tank would be reduced, if not eliminated. The commenters state that the primary procedures are properly maintaining the fuel cap and seals, accomplishing proper pre-flight inspections of the fuel, and filling the fuel tanks after each flight.

The FAA does not concur. Although accomplishing the above-referenced procedures will possibly reduce the risk of water entering the fuel tank, the FAA does not believe that the design of the fuel tank installation allows for the drainage of all the water in the tank. This is caused by a low spot inboard of the aft corner of the tank when the airplane is parked in the normal attitude, which is not accessible with the current drainage systems. Therefore, the FAA has determined that a design change is required to allow complete drainage of all water in the fuel tanks. No changes to the NPRM have been made as a result of these comments.

*Comment Issue No. 2: Change the Airplane Attitude When Parked*

Two commenters request that, instead of requiring the proposed actions, the FAA require an operational procedure to change the airplane attitude so that the airplane would be parked in a nose-down position. This would force all the fluid in the fuel tank toward the forward section of the tank, which could then be

accessed with the current drainage system.

The FAA concurs that this procedure would help the situation, but it would not resolve the design deficiency. Therefore, this operational procedure would only provide a similar benefit as the current procedures for operation and maintenance. The FAA will add a note in the proposed AD encouraging operators of the affected airplanes to change the airplane attitude when the airplane is parked.

*Comment Issue No. 3: Require AD Only When New Tanks Are Installed*

Two commenters believe that the FAA should only require an AD when new fuel tanks are installed. These commenters state that, since no life limits are established for the fuel tanks, the tanks will not be flexible enough to handle the moving around that will happen during the installation of other equipment. Therefore, incorporating either design change proposed in the NPRM without replacing the tanks could increase the risk of fuel leaks from the tanks.

The FAA concurs. Each design change procedure requires inspecting the tank to determine if the tank needs to be replaced or overhauled to a serviceable condition. Although the NPRM did not discuss replacement or overhaul of the fuel tanks, these requirements were incorporated within the procedures of the design change. No changes to the NPRM have been made as a result of these comments.

*Comment Issue No. 4: Drain Valve Instead of External Fuel Ramp Assemblies*

Two commenters believe that utilizing a simple drain valve in the low spot of the fuel tanks would solve the problem rather than requiring the installation of external fuel ramp assemblies. The commenters state that placing this drain valve in the low spot would cause the least amount of stress on the fuel tank and eliminate any future questions about additional wrinkles that occur through installation of the external fuel ramp assemblies.

The FAA concurs. Installing a drain valve in the low spot of the fuel tanks will be included as an option of compliance with the proposed rule. This installation would be accomplished in accordance with the instructions included with Transamerican Enterprises, Inc. TAE102688 Piper PA 23 Fuel Cell Drain Installation, dated September 30, 1996.

*Comment Issue No. 5: Cost Estimate Not Representative of Airplane Fleet*

Fourteen commenters state that most of the affected airplanes have configurations representative of a four fuel tank installation, and most would need overhaul or replacement of the fuel tanks. These commenters request that the FAA change the estimate of the cost impact to the public to reflect a four-tank installation rather than a two-tank installation, including overhaul costs.

The FAA concurs that the estimate of the cost impact on the public should be written to reflect the airplane's tank configuration (two or four tanks). The FAA will change the estimate of the cost impact to reflect a per tank cost, with a total given for a two-tank configuration and a total given for a four-tank configuration. The FAA has no way of determining how many tanks will need to be overhauled or replaced, and believes that many will not need to be overhauled or replaced. Therefore, overhaul or replacement costs for the tanks are not included in the estimate of the cost impact to the public.

*Comment Issue No. 6: External Fuel Ramp Assembly Installation Could Cause Wrinkles*

Sixteen commenters question the effectiveness of the external fuel ramp assembly installation from the standpoint that this modification could cause wrinkles in the fuel tanks. Water could then become trapped in the wrinkles that form.

The FAA concurs that water could become trapped in any wrinkles that form in the fuel tanks. However, the FAA has determined that, if fuel tank overhauls, replacements, and modifications are accomplished in accordance with the required established procedures and standard industry practice, then wrinkles in the fuel tanks should not form after installing these external fuel ramp assemblies. As previously noted, the FAA is including the placement of a drain valve in the fuel tanks as an option over installing the external fuel ramp assemblies.

**The Supplemental NPRM**

Based upon the amount of time that has elapsed since issuance of the NPRM, the FAA has determined that the changes discussed above should be

incorporated into the proposed rule and the comment period for the NPRM should be reopened and the public should have additional time to comment.

**Cost Impact**

The FAA estimates that 6,973 airplanes in the U.S. registry would be affected by the proposed installation. The following gives cost estimates for airplanes with a two-tank configuration and a four-tank installation:

- Two-tank Configuration:* It would take approximately 10 workhours per airplane to accomplish the proposed installation at an average labor rate of approximately \$60 an hour. Parts cost approximately \$400 per airplane (\$200 per tank × two tanks per airplane). Based on these figures of all affected airplanes having two-tank configurations, the total cost impact of the proposed installation on U.S. operators is estimated to be \$6,973,000, or \$1,000 per airplane.
- Four-tank Configuration:* It would take approximately 20 workhours per airplane to accomplish the proposed installation at an average labor rate of approximately \$60 an hour. Parts cost approximately \$800 per airplane (\$200 per tank × four tanks per airplane). Based on these figures of all affected airplanes having four-tank configurations, the total cost impact of the proposed installation on U.S. operators is estimated to be \$13,946,000, or \$2,000 per airplane.

These figures are based on the presumption that no affected airplane owner/operator has installed external fuel ramp assemblies. No fuel ramp assemblies 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 43.9 of the Federal Aviation Regulations (14 CFR 43.7 and 43.9) can accomplish this proposed action, the only cost impact upon the public is the time it takes to incorporate these POH revisions.

**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), 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.
PA-23 (PA-23-150), and PA-23-160 .....	23-1 through 23-2046.
PA-23-235 .....	27-505 through 27-622.
PA-23-250 .....	27-1 through 27-7405476 and 27-7554001 through 27-8154030.

**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 (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 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.

To assist in eliminating 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, accomplish one of the following:

(1) Install external fuel ramp assemblies in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Floats and Fuel Cells (FFC) Engineering Specification 2810-002, Revision A, dated March 21, 1995; or

(2) Install a fuel tank drain valve in accordance with the instructions included with Transamerican Enterprises, Inc. TAE102688 Piper PA 23 Fuel Cell Drain Installation, dated September 30, 1996.

(b) For all of the affected Models PA-23 (PA-23-150), and PA-23-160 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) For all affected Models PA-23 (PA-23-150) and PA-23-160 airplanes equipped with non-baffled fuel cells, incorporating Piper Fuel Tank Wedge Kit, P/N 599-367, in accordance with Piper SB 932A, dated August 30, 1990, may be accomplished in place of either of the actions required by paragraph (a) of this AD.

**Note 3:** Operators of the affected airplanes are encouraged to change the airplane attitude so that the airplane is parked in a

nose-down position. This could aid in drainage and help assist in eliminating water in the fuel.

(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, Atlanta Aircraft Certification Office (ACO), Campus Building, 1701 Columbia Avenue, suite 2-160, College Park, Georgia 30337-2748.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

(2) Alternative methods of compliance approved in accordance with AD 92-13-04 (superseded by this action) are not considered approved as alternative methods of compliance with this AD.

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(f) 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. The instructions included with Transamerican Enterprises, Inc. TAE102688 Piper PA 23 Fuel Cell Drain Installation, dated September 30, 1996, may be obtained from Transamerican Enterprises, Inc., 6778 Skyline Drive, Delray Beach, Florida 33446. Piper SB No. 827A, dated November 4, 1988, may be obtained upon request from The New Piper Aircraft, Inc., Customer Services, 2926 Piper Drive, Vero Beach, Florida 32960. These documents may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

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

Issued in Kansas City, Missouri, on February 4, 1998.

**John R. Colomy,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 98-3517 Filed 2-11-98; 8:45 am]

BILLING CODE 4910-13-U

## RAILROAD RETIREMENT BOARD

### 20 CFR Part 255

#### RIN 3220-AB34

### Recovery of Overpayments

**AGENCY:** Railroad Retirement Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Railroad Retirement Board (Board) hereby proposes to amend its regulations regarding

recovery of overpayments to explain what actuarial tables and interest rates are used to calculate an actuarial adjustment in an individual's annuity in order to recover an overpayment of benefits. The regulation also adds a provision to explain when an actuarial adjustment in an annuity takes effect when an annuity is paid by electronic funds transfer (EFT).

**DATES:** Comments shall be submitted on or before April 13, 1998.

**ADDRESSES:** Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

**FOR FURTHER INFORMATION CONTACT:** Michael C. Litt, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4929, TDD (312) 751-4701.

**SUPPLEMENTARY INFORMATION:** Section 255.8 of the Board's regulations (62 FR 64164) provides for recovery of an overpayment by means of an actuarial adjustment. In accordance with this provision, an overpayment may be recovered by permanently reducing the annuity payable to the individual from whom recovery is sought. The calculation of the reduction is performed using actuarial tables. The current authority for the use of these tables is contained in a Board Order which is not readily available to the public. This proposed amendment would add language specifying that the Board will use the tables and interest rate adopted in accordance with the triennial evaluation of the railroad retirement trust funds as required by section 15(g) of the Railroad Retirement Act.

Where an annuity is paid by check, an actuarial reduction takes effect, and the overpayment is recovered, upon negotiation of the first check which reflects the adjustment. The Board proposes to add language to, provide that, in the case of an annuity paid by electronic funds transfer, the adjustment is effective when the first payment reflecting the actuarially adjusted rate is deposited.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action for purposes of Executive Order 12866. Therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

### List of Subjects in 20 CFR Part 255.8

Railroad employees, Railroad retirement.

For the reasons set out in the preamble, title 20, part 255 of the Code