

compliance times that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30349. 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.

(h) The installations, inspections, and replacements required by this AD shall be done in accordance with Piper Service Bulletin No. 998A, dated August 4, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from The New Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) This amendment becomes effective on July 23, 1999.

Issued in Kansas City, Missouri, on June 2, 1999.

**Marvin R. Nuss,**

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

[FR Doc. 99-14535 Filed 6-11-99; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-CE-22-AD; Amendment 39-11193; AD 99-12-02]

RIN 2120-AA64

#### **Airworthiness Directives; Raytheon Aircraft Company Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) Airplanes**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 99-12-02, which was sent previously to all known U.S. owners and operators of Raytheon Aircraft Corporation (Raytheon) Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) airplanes. This AD requires incorporating operating limitations that restrict operation of the airplanes to normal category operation and prohibit

them from acrobatic and utility category operations; limit the flight load factor to 0 to 2.5 G; and limit the maximum airspeed to 175 miles per hour (mph) (152 knots). This AD resulted from a report of an in-flight separation of the right wing on a Raytheon Beech Model A45 (T-34A) airplane. The actions specified by this AD are intended to assure the operational safety of the above-referenced airplanes.

**DATES:** Effective July 9, 1999, to all persons except those to whom it was made immediately effective by priority letter AD 99-12-02, issued May 28, 1999, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before July 30, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket 99-CE-22-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Information related to this AD may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Paul Nguyen, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas, 67209, telephone: (316) 946-4125; facsimile: (316) 946-4407.

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

On May 28, 1999, the FAA issued priority letter AD 99-12-02, which applies to all Raytheon Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) airplanes. That AD resulted from a report of an in-flight separation of the right wing on a Raytheon Beech Model A45 (T-34A) airplane. The airplane was involved in mock aerial combat with another Beech Model A45 (T-34A) airplane.

The left wing remained attached to the airplane following separation of the right wing. As the airplane made ground contact, the left wing forward and rear spars and wing attach fittings sustained overload fractures.

Examination of the right wing revealed structural fatigue cracks at several of the fracture surfaces. Although it did not separate from the airplane, the left wing also showed structural fatigue cracks at several locations.

Priority letter AD 99-12-02 requires fabricating two placards using letters of at least 1/10-inch in height with each consisting of the following words, and

installing these placards on the airplane instrument panels (one on the front panel and one on the rear panel) next to the airspeed indicators within the pilot's clear view:

Never exceed speed, Vne-175 MPH (152 knots) IAS; Normal Acceleration (G) Limits -0, and +2.5; ACROBATIC MANEUVERS PROHIBITED.

This AD also requires marking the airspeed indicators to specify the limitations referenced in the placards, and incorporating a copy of the AD into the Limitations Section of the Airplane Flight Manual (AFM).

#### **The FAA's Determination and Explanation of the AD**

Since an unsafe condition was identified that is likely to exist or develop in other Raytheon Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) airplanes of the same type design airplanes, the FAA:

1. Determined that the Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) airplanes should not be operated without restrictions until the wing structure has been inspected in accordance with inspection procedures approved by the FAA, and the structure is found to be free of cracks;

2. Determined that all of the above-referenced airplanes should be restricted to normal category operation and prohibited from acrobatic and utility category operations; the flight load factor should be limited to 0 to 2.5 G; and the maximum airspeed should be limited to 175 miles per hour (mph) (152 knots);

3. Determined that immediate AD action should be taken to assure the operational safety of these airplanes; and

4. Issued AD 99-12-02 as a priority letter on May 28, 1999.

#### **Determination of the Effective Date of the AD**

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on May 28, 1999, to all known U.S. operators of Raytheon Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

### Differences Between This AD and the Service Information and Possible Follow-Up Action

The actions required by this AD are different than those recommended in Raytheon Safety Communique No. 162, Rev. 1, dated June 1999, which specifies not operating the affected airplanes. Based on the service history of the wing structure of the Raytheon Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) airplanes and all available information related to the referenced accident, the FAA has determined that the restrictions imposed by this AD will continue to assure the operational safety of these airplanes until detailed inspection procedures are developed.

When inspection procedures are developed for the wing structure of the affected airplanes, the FAA will evaluate these procedures and will decide whether to initiate further rulemaking action. Further action may include alleviating the restrictions imposed by this AD.

### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this 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 will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following

statement is made: "Comments to Docket No. 99-CE-22-AD." The postcard will be date stamped and returned to the commenter.

### Regulatory Impact

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from 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.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

**99-12-02 Raytheon Aircraft Corporation:** Amendment 39-11193; Docket No. 99-CE-22-AD.

**Applicability:** Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) airplanes, 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 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 as indicated in the body of this AD, unless already accomplished.

To assure the operational safety of the above-referenced airplanes, accomplish the following:

(a) Prior to further flight after the effective date of this AD, accomplish the following:

(1) Fabricate two placards using letters of at least 1/10-inch in height with each consisting of the following words:  
Never exceed speed, Vne-175 MPH (152 knots) IAS; Normal Acceleration (G) Limits 0, and +2.5; ACROBATIC MANEUVERS PROHIBITED."

(2) Install these placards on the airplane instrument panels (one on the front panel and one on the rear panel) next to the airspeed indicators within the pilot's clear view.

(3) Insert a copy of this AD into the Limitations Section of the Airplane Flight Manual (AFM).

(b) Within the next 10 hours time-in-service (TIS) after the effective date of this AD, modify the airspeed indicator glass by accomplishing the following:

(1) Place a red radial line on the indicator glass at 175 miles per hour (mph) (152 knots).

(2) Place a white slippage index mark between the airspeed indicator glass and the case to visually verify that the glass has not rotated.

(c) Within the next 10 hours TIS after the effective date of this AD, mark the outside surface of the "g" meters with lines of approximately 1/16-inch by 3/16-inch, as follows:

(1) A red line at 0 and 2.5; and

(2) A white slippage mark between each "g" meter glass and case to visually verify that the glass has not rotated.

(d) Fabricating and installing the placards and inserting a copy of this AD into the AFM as required by paragraphs (a)(1), (a)(2), and (a)(3) of this AD, respectively, may be performed by the owner/operator holding at least a private pilot certificate as authorized by § 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 § 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(e) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Rm. 100, Mid-Continent Airport, Wichita, Kansas, 67209. The request shall be forwarded through an appropriate FAA

Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

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

(f) Information related to this priority letter AD 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 becomes effective on July 9, 1999, to all persons except those persons to whom it was made immediately effective by priority letter AD 99-12-02, issued May 28, 1999, which contains the requirements of this amendment.

Issued in Kansas City, Missouri, on June 4, 1999.

**Marvin R. Nuss,**

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

[FR Doc. 99-14932 Filed 6-11-99; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 914

[SPATS No. IN-145-FOR; State Program Amendment No. 98-1]

#### Indiana Regulatory Program

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is approving an amendment to the Indiana regulatory program (Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

Indiana proposed reference changes in its surface and underground mining rules concerning application requirements for geology descriptions and public participation. Indiana also proposed to add a new provision to its rule pertaining to surface mining application requirements for postmining land use information. Indiana intends to revise its program to be consistent with the corresponding Federal regulations.

**EFFECTIVE DATE:** June 14, 1999.

**FOR FURTHER INFORMATION CONTACT:**

Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204-1521. Telephone (317) 226-6700. Internet: INFOMAIL@indgw.osmre.gov.

#### SUPPLEMENTARY INFORMATION:

- I. Background on the Indiana Program
- II. Submission of the Proposed Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

#### I. Background on the Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. You can find background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the July 26, 1982, **Federal Register** (47 FR 32107). You can find later actions on the Indiana program at 30 CFR 914.10, 914.15, 914.16, and 914.17.

#### II. Submission of the Proposed Amendment

By letter dated March 8, 1999 (Administrative Record No. IND-1633), Indiana sent us an amendment to its program under SMCRA. Indiana sent the amendment at its own initiative. Indiana proposed to amend the Indiana Administrative Code (IAC) at 310 IAC 12-3 regarding permit application requirements for geology descriptions, postmining land uses, and public participation.

We announced receipt of the amendment in the March 25, 1999, **Federal Register** (64 FR 14412). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. The public comment period closed on April 26, 1999. Because no one requested a public hearing or meeting, we did not hold one.

#### III. Director's Findings

Following, under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are our findings concerning the amendment.

##### 1. 310 IAC 12-3-31 Surface Mining Permit Applications; Geology Description and 310 IAC 12-3-69 Underground Mining Permit Applications; Geology Description

a. At 310 IAC 12-3-31(a)(3), Indiana replaced a reference to "IC 13-4.1" with a reference to "IC 14-34." This change was necessary because Indiana recodified the Indiana Surface Coal Mining and Reclamation Act, effective July 1, 1995. Indiana repealed Indiana Code (IC) 13-4.1 and recodified its substantive provisions at IC 14-8 and 14-34. We find that this change will not make Indiana's regulation less effective

than the counterpart Federal regulation at 30 CFR 780.22(a)(3).

b. At 310 IAC 12-3-31(c), 12-3-69(a)(3), and 12-3-69(c)(3), Indiana replaced references to "this rule" with references to "this article." Since Article 12 contains all of the State's rules for coal mining and reclamation operations, the references to "this article" in Indiana's rules are consistent with the references to "this chapter" in the counterpart Federal regulations at 30 CFR 780.22(c), 784.22(a)(3), and 784.22(c)(3). Therefore, Indiana's amended regulations at 310 IAC 12-3-31(c), 12-3-69(a)(3), and 12-3-69(c)(3) are no less effective than the counterpart Federal regulations.

c. At 310 IAC 12-3-69(d), Indiana replaced a reference to "subsection (b)" with a reference to "subsections (b)(2) and (b)(3)." As revised, the director may waive in writing only the permit application geologic information requirements for subsections (b)(2) and (b)(3) if that information is unnecessary because other reliable information is available. This is consistent with the requirements of the counterpart Federal regulation at 30 CFR 784.22(d). We find that Indiana's amended regulation at 310 IAC 12-3-69(d) is no less effective than the counterpart Federal regulation.

##### 2. 310 IAC 12-3-48 Surface Mining Permit Applications; Reclamation and Operations Plan; Postmining Land Uses

Indiana proposes to revise this rule by adding a new provision at subsection (a)(3) that requires the detailed description of the proposed land use in the reclamation plan to include an explanation of the consideration given to making all of the proposed surface mining activities consistent with surface owner plans and applicable state and local land use plans and programs. Indiana's new provision at 310 IAC 12-3-48(a)(3) is substantively the same as the counterpart Federal regulation provision at 30 CFR 780.23(b)(3), and we are approving it.

##### 3. 310 IAC 12-3-106 Permit Applications; Public Participation

At 310 IAC 12-3-106(a)(8), Indiana proposes to correct a reference to its experimental practice regulatory provisions by replacing the reference to "section 94" with a reference to "section 94.1." Indiana repealed section 94 and added section 94.1 effective October 1, 1993. We find that this correction will make Indiana's regulation no less effective than the counterpart Federal regulation at 30 CFR 773.13(a)(vi).