

# Rules and Regulations

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2021-0310; Project Identifier AD-2021-00269-A; Amendment 39-21515; AD 2021-09-02]

RIN 2120-AA64

#### Airworthiness Directives; Piper Aircraft, Inc. Airplanes

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

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

**SUMMARY:** The FAA is superseding Airworthiness Directive (AD) 2021-04-07 which applied to certain Piper Aircraft, Inc., (Piper) Models PA-46-350P (Malibu Mirage), PA-46R-350T (Malibu Matrix), and PA-46-500TP (Malibu Meridian) airplanes. AD 2021-04-07 required identifying and correcting nonconforming stall warning heat control systems. Since AD 2021-04-07 was issued, the FAA was notified of an error in the stall warning heat control modification kit part number. This AD retains all of the actions in AD 2021-04-07 and corrects the incorrect modification kit part number. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective April 16, 2021.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of March 30, 2021 (86 FR 10770, February 23, 2021).

The FAA must receive any comments on this AD by June 1, 2021.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- **Fax:** (202) 493-2251.
- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, FL 32960; phone: (772) 567-4361; email: [customerservice@piper.com](mailto:customerservice@piper.com); website: <https://www.piper.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329-4148. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0310.

#### Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0310; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** John Lee, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474-5568; email: [john.lee@faa.gov](mailto:john.lee@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The FAA issued AD 2021-04-07, Amendment 39-21428 (86 FR 10770, February 23, 2021), (AD 2021-04-07), for certain Piper Models PA-46-350P (Malibu Mirage), PA-46R-350T (Malibu Matrix), and PA-46-500TP (Malibu Meridian) airplanes. AD 2021-04-07 required identifying and correcting nonconforming stall warning heat control systems. AD 2021-04-07 resulted from the finding of airplanes without the proper stall warning heater modification design change. Without the proper stall warning heat control modification kit, during flights into icing conditions with the landing gear

## Federal Register

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down, ice can form on the stall vane, which may result in failure of the stall warning system. The FAA issued AD 2021-04-07 to require identifying and correcting nonconforming stall warning heat control systems, which, if not addressed, could result in the pilot being unaware of an approaching stall situation.

#### Actions Since AD 2021-04-07 Was Issued

Since the FAA issued AD 2021-04-07, Piper notified the FAA that paragraph (g) of the AD incorrectly identifies the stall warning heat control modification kit part number (P/N) as P/N 8452-002 instead of P/N 88452-002. As there is no stall warning heat control modification kit with P/N 8452-002, it is impossible for operators to comply with AD 2021-04-07 as written. This AD corrects the error.

#### FAA's Determination

The FAA is issuing this AD because the agency determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

#### Related Service Information Under 1 CFR Part 51

The FAA reviewed Piper Service Letter No. 1261, dated July 19, 2019. This service information specifies procedures to identify and correct nonconforming stall warning heat control systems. The intent of this service letter is to ensure that wiring for the stall warning heat control system meets current type design. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

#### Other Related Service Information

The FAA reviewed Piper Mandatory Service Bulletin No. 1192, dated September 15, 2008. This service bulletin is incorporated by reference in AD 2008-26-11, Amendment 39-15777 (73 FR 78934, December 24, 2008), which requires installing stall warning heat control modification kit P/N 88452-002.

#### AD Requirements

This AD requires accomplishing the actions specified in the service information described previously,

except as discussed under “Differences Between This AD and the Service Information.”

#### Differences Between This AD and the Service Information

This AD does not require the first step, which is identified as a “required for compliance” (RC) step, of Piper Service Letter No. 1261, dated July 19, 2019. The first step specifies reviewing the aircraft records to determine whether the inspection of the stall warning heat control configuration must be done. This AD does not require a records review. Instead, all airplanes identified in the applicability of this AD have to inspect the stall warning heat control configuration.

#### Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

Since this action retains all of the requirements of AD 2021-04-07 and only corrects an obvious error in the stall warning heat control modification kit part number, it is unlikely that the

FAA will receive any adverse comments or useful information about this AD from U.S. operators. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the foregoing reasons, the FAA finds that good cause exists under 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

#### Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2021-0310 and Project Identifier AD-2021-00269-A” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

#### Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner.

Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to John Lee, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

#### Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

#### Costs of Compliance

The FAA estimates that this AD affects 1,261 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this AD:

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect stall warning heat control system .....	1 work-hour × \$85 per hour = \$85 .....	\$0	\$85	\$107,185

The FAA estimates the following costs to do any necessary repairs that

will be required based on the results of the inspection. The FAA has no way of

determining the number of airplanes that might need these repairs:

#### ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Install modification kit .....	1.5 work-hours × \$85 per hour = \$127.50 .....	\$230.00	\$357.50

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII,

Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, General requirements. Under

that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect 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.

For the reasons discussed above, I certify that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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. The FAA amends § 39.13 by:
  - a. Removing Airworthiness Directive 2021-04-07, Amendment 39-21428 (86 FR 10770, February 23, 2021); and
  - b. Adding the following new airworthiness directive:

#### 2021-09-02 Piper Aircraft, Inc.:

Amendment 39-21515; Docket No. FAA-2021-0310; Project Identifier AD-2021-00269-A.

#### (a) Effective Date

This airworthiness directive (AD) is effective April 16, 2021.

#### (b) Affected ADs

This AD replaces AD 2021-04-07, Amendment 39-21428 (86 FR 10770, February 23, 2021).

#### (c) Applicability

This AD applies to the following Piper Aircraft, Inc., airplanes, certificated in any category:

(1) Model PA-46-350P (Malibu Mirage) airplanes, serial numbers (S/Ns) 4622041, 4636041, 4636142, 4636143, 4636313, 4636341, and 4636379;

(2) Model PA-46-500TP (Malibu Meridian) airplanes, S/Ns 4697141, 4697161, 4697086, and 4697020; and

(3) Models PA-46-350P (Malibu Mirage), PA-46R-350T (Malibu Matrix), and PA-46-500TP (Malibu Meridian) airplanes, all serial numbers, if the left wing has been replaced with a serviceable (more than zero hours time-in-service) wing.

#### (d) Subject

Joint Aircraft System Component (JASC) Code 3700, VACUUM SYSTEM.

#### (e) Unsafe Condition

This AD was prompted by nonconforming stall warning heat control systems, utilizing a left wing assembly without the proper stall warning modification design. Without the proper stall warning heat control modification kit during flights into icing conditions with the landing gear down, ice can form on the stall vane, which may result in failure of the stall warning system. The FAA is issuing this AD to identify and correct nonconforming stall warning heat control systems. The unsafe condition, if not addressed, could result in the pilot being unaware of an approaching stall situation.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Actions

(1) Within 100 hours time-in-service (TIS) after the effective date of this AD or within 12 months after the effective date of this AD, whichever occurs first, inspect the configuration of the stall warning heat control system and, if required, install stall warning heat control modification kit part number (P/N) 88452-002 before further flight in accordance with steps 2 and 3 of the Instructions in Piper Aircraft, Inc., Service Letter No. 1261, dated July 19, 2019.

(2) As of the effective date of this AD, do not install a wing on any Model PA-46-350P (Malibu Mirage), PA-46R-350T (Malibu Matrix), or PA-46-500TP (Malibu Meridian) airplane unless you have determined that the wing has the correct stall warning heat control system as required by paragraph (g)(1) of this AD.

#### (h) Special Flight Permit

A special flight permit may be issued to operate the airplane to a location where the requirements of this AD can be accomplished provided flight into known icing conditions is prohibited.

#### (i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with

14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in Related Information.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by Piper Aircraft, Inc. Organization Designation Authorization (ODA) that has been authorized by the Manager, Atlanta ACO Branch to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 2021-04-07 (86 FR 10770, February 23, 2021) are approved as AMOCs for the corresponding provisions of this AD.

(5) For service information that contains steps that are labeled as Required for Compliance (RC), the following provisions apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

#### (j) Related Information

For more information about this AD, contact John Lee, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474-5568; email: [john.lee@faa.gov](mailto:john.lee@faa.gov).

#### (k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(3) The following service information was approved for IBR on March 30, 2021 (86 FR 10770, February 23, 2021).

(i) Piper Service Letter No. 1261, dated July 19, 2019.

(ii) [Reserved]

(4) For Piper Aircraft, Inc. service information identified in this AD, contact Piper Aircraft Inc., 2926 Piper Drive, Vero Beach, FL 32960; phone: (772) 299-2686; email: [customerservice@piper.com](mailto:customerservice@piper.com); website: <https://www.piper.com/>.

(5) You may view this service information at the FAA, Airworthiness Products Section,

Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

(6) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email: [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued on April 13, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021-07897 Filed 4-15-21; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF THE INTERIOR

### Office of Natural Resources Revenue

#### 30 CFR Parts 1206 and 1241

[Docket No. ONRR-2020-0001; DS63644000 DRT000000.CH7000 212D1113RT]

**RIN 1012-AA27**

#### ONRR 2020 Valuation Reform and Civil Penalty Rule: Delay of Effective Date

**AGENCY:** Office of Natural Resources Revenue (“ONRR”), Interior.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** ONRR is delaying the effective date of the final rule entitled “ONRR 2020 Valuation Reform and Civil Penalty Rule” (“2020 Rule”) from April 16, 2021 to November 1, 2021. The purpose of this second delay is to avoid placing undue regulatory burdens on lessees caused by allowing the 2020 Rule to go into effect while ONRR considers whether it will revise or withdraw some or all of that rule due to apparent defects in that rule.

**DATES:** As of April 16, 2021, the effective date of the rule published on at 86 FR 4612 on January 15, 2021, which was initially delayed at 86 FR 9286 on February 12, 2021, is further delayed until November 1, 2021.

**Compliance date:** With respect to the amendments to 30 CFR part 1206, published at 86 FR 4612 on January 15, 2021, the May 1, 2021, compliance date is delayed indefinitely at this time, and will be addressed in a future rulemaking issued prior to the 2020 Rule’s effective date.

**FOR FURTHER INFORMATION CONTACT:** For questions on procedural issues, contact Dane Templin, Regulations Supervisor, at (303) 231-3149 or [ONRR\\_RegulationsMailbox@onrr.gov](mailto:ONRR_RegulationsMailbox@onrr.gov).

## SUPPLEMENTARY INFORMATION:

### I. Background

On January 15, 2021, ONRR published the 2020 Rule in the **Federal Register**, amending certain regulations that inform the manner in which ONRR values oil and gas produced from Federal leases for royalty purposes; values coal produced from Federal and Indian leases for royalty purposes; and assesses civil penalties for violations of certain statutes, regulations, lease terms, and orders associated with Federal and Indian energy and mineral leases. See 86 FR 4612. In addition, the 2020 Rule made minor, non-substantive corrections to ONRR’s regulations. As published, the 2020 Rule had an effective date of February 16, 2021, and, for amendments to 30 CFR part 1206 only, a compliance date of May 1, 2021.

On January 20, 2021, the Assistant to the President and Chief of Staff issued a memorandum entitled “Regulatory Freeze Pending Review” (“Regulatory Freeze Memorandum”) which, coupled with the guidance on implementation of the memorandum issued by the Office of Management and Budget (“OMB”) in Memorandum M-21-14 dated January 20, 2021, directed agencies to consider delaying the effective date of rules published in the **Federal Register** that had not yet become effective. See 86 FR 7424.

Accordingly, on February 12, 2021, ONRR published a final rule in the **Federal Register** to delay the 2020 Rule’s effective date until April 16, 2021 (“First Delay Rule,” 86 FR 9286). The First Delay Rule opened a 30-day comment period, inviting public comment on the facts, law, and policy underlying the 2020 Rule, the effect of the 60-day delay, impacts of a potential further delay, and the criteria listed in OMB Memorandum M-21-14. Of the ten questions posed in the First Delay Rule, eight of the questions pertained to the 2020 Rule and two pertained to the effect of the delay. See 86 FR 9287-9288.

In response, ONRR received 1,339 pages of comment material from commenters representing industry members, trade associations, environmental groups, non-governmental organizations, States, and members of the public. Many commenters raised significant concerns pertaining to different aspects of the 2020 Rule, while a few expressed support for the 2020 Rule. Among those concerns, commenters identified potential procedural flaws in the 2020 Rule and expressed that ONRR failed to adequately consider relevant facts or otherwise address objections that had

been raised prior to the publication of the 2020 Rule. Some commenters stated that ONRR did not provide certain information in the proposed rule (see 85 FR 62054) and, therefore, failed to provide an opportunity for meaningful public comment in the rulemaking process that preceded the 2020 Rule.

ONRR received comments (in response to the First Delay Rule) that identified potential defects in the 2020 Rule—both substantively and procedurally. In addition, since the publication of the 2020 Rule, ONRR’s 2021 reexamination has identified potential shortcomings of the 2020 Rule. Potential defects and shortcomings of the 2020 Rule include:

1. The 2020 Rule relied on executive orders that were withdrawn within days after the 2020 Rule’s publication and before its effective date. Thus, when the 2020 Rule was to become effective, part of justification for the 2020 Rule no longer existed. Moreover, prior to the current effective date, additional executive orders have been issued which reflect different policy considerations which should be evaluated.

2. The 2020 Rule contained significantly expanded and new justifications for its amendments that were not included in the proposed 2020 Rule, potentially without the full benefit of public comment.

3. The 2020 Rule contained inconsistent language on whether it was intended to incentivize production that would not occur in the absence of the 2020 Rule. And, where the 2020 Rule suggested an amendment was meant in part to incentivize production, the rule lacked an analysis that showed how or to what extent production would increase.

4. ONRR, as the agency charged with collecting and distributing royalties, may lack the authority to propose regulations in an attempt to incentivize production.

5. The reason given for the 2020 Rule’s reinstitution of deepwater gathering allowances and extraordinary processing allowance was to incentivize production, but the rule failed to provide adequate factual evidence that the deepwater gathering allowance would, in fact, do so.

6. The proposed 2020 Rule failed to include proposed regulation text to reinstitute a deepwater gathering allowance for Federal gas, and also failed to include much of the proposed regulation text to reinstitute a deepwater gathering allowance for Federal oil. As a result, the public may not have been given adequate opportunity to comment on the proposed changes.