

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-CE-14-AD]

RIN 2120-AA64

Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-400 Gliders

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to Glaser-Dirks Flugzeugbau GmbH (Glaser-Dirks) Model DG-400 gliders. The proposed AD would require replacing the upper rubber shock mounts with mounts made of stainless steel. The proposed AD would also require inspecting the rear plate of the propeller mount for cracks and proper mounting, and replacing or modifying as necessary. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by the proposed AD are intended to prevent failure of the propeller suspension system caused by cracks in the propeller mounts, which could result in loss of the propeller with consequent reduced glider controllability.

DATES: Comments must be received on or before April 17, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-14-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from DG

Flugzeugbau GmbH, Postfach 4120, D-76625 Bruchsal 4, Germany; telephone: +49 7257-89-0; facsimile: +49 7257-8922. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. J. Mike Kiesov, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6934; facsimile: (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98-CE-14-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-14-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on all Glaser-Dirks Model DG-400 gliders. The LBA reports incidents where engine vibrations caused cracks at the upper rubber shock mounts and, in one incident caused a crack at the rear plate of the propeller mount.

These conditions, if not corrected, could result in failure of the propeller suspension system, which could lead to loss of the propeller with consequent reduced glider controllability.

Relevant Service Information

Glaser-Dirks has issued Technical Note No. 826/11, dated August 29, 1984, which specifies replacing the upper rubber shock mounts with mounts made of stainless steel. This technical note also includes procedures for:

- inspecting the rear plate of the propeller mount for cracks and an excessive gap between the aluminum blocks and the plate (more than 1 mm or .04 inches); and
- installing washers if an excessive gap exists between the aluminum blocks and the plate.

The LBA classified this service bulletin as mandatory and issued German AD 84-157, dated September 24, 1984, in order to assure the continued airworthiness of these gliders in Germany.

The FAA's Determination

This glider model is manufactured in Germany 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 LBA has kept the FAA informed of the situation described above.

The FAA has examined the findings of the LBA; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Glaser-Dirks Model DG-400 gliders of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require the following:

- replacing the upper rubber shock mounts with mounts made of stainless steel;
- inspecting the rear plate of the propeller mount for cracks and an excessive gap between the aluminum blocks and the plate (more than 1 mm or .04 inches);
- replacing the rear plate of the propeller mount if cracks are found; and
- installing washers if an excessive gap exists between the aluminum blocks and the plate.

Accomplishment of the proposed shock mounts replacement, the proposed inspections, and the proposed installation would be required in accordance with the technical note previously referenced. Accomplishment of the proposed propeller mount replacement, as required, would be required in accordance with the applicable maintenance manual.

Difference Between the Technical Note, German AD, and This Proposed AD

Both Glaser-Dirks Technical Note No. 826/11, dated August 29, 1984, and German AD 84-157, dated September 24, 1984, both specify accomplishing the actions proposed in this AD prior to further flight. The FAA does not have justification for requiring the proposed action prior to further flight. Instead, the FAA has determined that 3 calendar months is a reasonable time period for accomplishing the actions in the proposed AD.

Compliance Time of the Proposed AD

The compliance time of the proposed AD is presented in calendar time instead of hours time-in-service (TIS) because of the typical usage of the affected gliders. For example, an operator of an affected glider may only utilize the glider 50 hours TIS in a year, while another operator may utilize an affected glider 50 hours TIS in one month. The FAA has determined that a compliance based on calendar time should be utilized in the proposed AD in order to assure that the unsafe condition is addressed on all gliders in a reasonable time period.

Cost Impact

The FAA estimates that 35 gliders in the U.S. registry would be affected by

the proposed AD, that it would take approximately 6 workhours per glider to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$100 per glider. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$16,100, or \$460 per glider.

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 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:

Glaser-Dirks Flugzeugbau GMBH: Docket No. 98-CE-14-AD.

Applicability: Model DG-400 gliders, all serial numbers, certificated in any category.

Note 1: This AD applies to each glider 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 gliders 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 in the body of this AD, unless already accomplished.

To prevent failure of the propeller suspension system caused by cracks in the propeller mounts, which could result in loss of the propeller with consequent reduced glider controllability, accomplish the following:

(a) Within the next 3 calendar months after the effective date of this AD, replace the upper rubber shock mounts with mounts made of stainless steel in accordance with the Instructions section of Glaser-Dirks Technical Note TN 826/11, dated August 29, 1984.

(b) Within the next 3 calendar months after the effective date of this AD, inspect (using 2× or greater lens) the rear plate of the propeller mount for cracks and an excessive gap between the aluminum blocks and the plate (more than 1 mm or .04 inches). Accomplish these inspections in accordance with the Instructions section of Glaser-Dirks Technical Note TN 826/11, dated August 29, 1984.

(1) If any cracks are found in the propeller mount, prior to further flight, replace the propeller mount with an uncracked mount in accordance with the applicable maintenance manual.

(2) If an excessive gap exists between the aluminum blocks and the plate, prior to further flight, install washers in accordance with the Instructions section of Glaser-Dirks Technical Note TN 826/11, dated August 29, 1984.

(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 glider to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 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 Glaser-Dirks Technical Note No. 826/11, dated August 29, 1984, should be directed to DG Flugzeugbau GmbH, Postfach 4120, D-76625 Bruchsal 4, Germany; telephone: +49 7257-89-0; facsimile: +49 7257-8922. 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 84-157, dated September 24, 1984.

Issued in Kansas City, Missouri, on March 10, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-6946 Filed 3-17-98; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-ANM-04]

Proposed Modification of Class D Airspace and Establishment of Class E Airspace; Klamath Falls, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposal would modify the Class D Airspace area at Klamath Falls, OR, by amending the effective hours to coincide with the Klamath Falls control tower hours of operation. This proposal also would establish Class E airspace from the surface at Klamath Falls International Airport when the Klamath Falls control tower is closed. The intended effect of this action is to clarify when two-way radio communication with the Klamath Falls tower is required and to provide adequate Class E airspace for instrument approach procedures when the Klamath Falls control tower is closed.

DATES: Comments must be received on or before May 4, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM-520, Federal Aviation Administration, Docket No. 98-ANM-04, 1601 Lind Avenue SW, Renton, Washington 98055-4056.

The official docket may be examined in the office of the Assistant Chief Counsel for the Northwest Mountain Region at the same address.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Dennis Ripley, ANM-520.6, Federal Aviation Administration, Docket No. 98-ANM-04, 1601 Lind Avenue SW, Renton, Washington 98055-40506; telephone number: (425) 227-2527.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 98-ANM-04." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above, both before and after the closing date, for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM-520, 1601 Lind Avenue SW, Renton, Washington 98055-4056. Communications must identify the notice number of this NPRM. Persons interested in being

placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) to modify Class D airspace while also establishing class E airspace at Klamath Falls, OR. Currently, this airspace is designated as Class D when the Klamath Falls control tower is in operation. Nevertheless, Class E airspace to the surface is needed for Instrument Flight Rules (IFR) operations at Klamath Falls when the control tower is closed. The intended effect of this action is to provide adequate Class E airspace for IFR operations at Klamath Falls when the control tower is closed.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class D and Class E airspace areas designated as surface areas are published respectively in Paragraph 5000 and in Paragraph 6002 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not "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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows: