

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 97–NM–110–AD, published in the **Federal Register** on September 25, 1997 (62 FR 50264), is withdrawn.

Issued in Renton, Washington, on July 13, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate,

Aircraft Certification Service.

[FR Doc. 99–18369 Filed 7–16–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–26–AD]

RIN 2120–AA64

Airworthiness Directives; Avions Mudry et Cie Model CAP 10B Airplanes

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 all Avions Mudry et Cie (Avions Mudry) Model CAP 10B airplanes. The proposed AD specifies restricting the entry speed for performing flick maneuvers to 97 knots. Inserting a copy of the proposed AD into the Limitations Section of the CAP 10B flight manual is also proposed, along with fabricating and installing a placard (in the cockpit of the airplane within the pilot's clear view) that indicates this limitation. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified by the proposed AD are intended to provide the flight information necessary for the pilot to prevent the pilot from using excessive speed during aerobatic maneuvers, which could result in the wing separating from the airplane.

DATES: Comments must be received on or before August 27, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–26–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 Avions Mudry & Cie, 9, rue de l'Aviation, 21121 Darois, France; telephone: 03 80 356 65 10; facsimile 03 80 35 65 15. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Karl M. Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, Aircraft Certification Service, 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. 99–CE–26–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. 99–CE–26–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Direction Generale De L'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe

condition may exist on all Avions Mudry Model CAP 10B airplanes. The DGAC reports that there is currently no airspeed limitation for performing flick maneuvers during aerobatic flight. The speeds listed in sections 4 and 7 of the CAP 10B flight manual are only recommendations instead of required speeds.

Without required entry speeds for flick maneuvers when performing aerobatic flight, the pilot could use excessive speed and cause the wing to separate from the airplane.

Relevant Service Information

Avions Mudry has issued Service Bulletin No. 990501, dated May 20, 1999, which specifies restricting the entry speed for performing flick maneuvers to 97 knots by installing a placard in the cockpit of the aircraft that indicates this limitation.

The DGAC classified this service bulletin as mandatory and issued French AD T1999–222(A), not dated, in order to assure the continued airworthiness of these airplanes in France.

The FAA's Determination

This airplane model is manufactured in France 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 DGAC has kept the FAA informed of the situation described above.

The FAA has examined the findings of the DGAC; 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 Avions Mudry Model CAP 10B airplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD specifies restricting the entry speed for performing flick maneuvers to 97 knots. Inserting a copy of the proposed AD into the Limitations Section of the CAP 10B flight manual is also proposed, along with fabricating and installing a placard (in the cockpit of the airplane within the pilot's clear view) that indicates this limitation. The

placard will incorporate the following language:

"THE NEVER-EXCEED AIRSPEED FOR POSITIVE OR NEGATIVE FLICK-MANEUVERS IS 180 KM/H (97 KTS)"

Cost Impact

The FAA estimates that 39 airplanes in the U.S. registry would be affected by the proposed AD. Accomplishing the proposed flight manual and placard requirements of this NPRM 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 the proposed AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9). The only cost impact of the proposed AD is the time it would take each owner/operator of the affected airplanes to insert the information into the flight manual and fabricate and install the placard.

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 limitation 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:

Avions Mudry & Cie: Docket No. 99-CE-26-AD.

Applicability: Model CAP 10B 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 (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 25 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To provide the flight information necessary for the pilot to prevent the pilot from using excessive speed during aerobatic maneuvers, which could result in the wing separating from the airplane, accomplish the following:

(a) Restrict the entry speed for performing flick maneuvers to 97 knots through the incorporation of the following information into the CAP 10B flight manual. Accomplish this by inserting a copy of this AD into the Limitation Section of the flight manual:

"The never-exceed airspeed for positive or negative flick-maneuvers is 180 km/h (97 knots)."

(b) Fabricate a placard that incorporates the following words (using at least 1/8-inch letters), and install this placard on the instrument panel within the pilot's clear view:

"THE NEVER-EXCEED AIRSPEED FOR POSITIVE OR NEGATIVE FLICK-MANEUVERS IS 180 KM/H (97 KTS)"

Note 2: Although not required by this AD, the FAA recommends that the bonds between the plywood skins and the ribs are checked and corrected through the "tapping" method specified in Avions Mudry Service Bulletin No. 15. This procedure is especially recommended if it is suspected that the above-referenced speed limitation was exceeded during a previous flight.

(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 airplane 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, 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 3: 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 Avions Mudry Service Bulletin No. 990501, dated May 20, 1999, should be directed to Avions Mudry & Cie, 9, rue de l'Aviation, 21121 Darois, France; telephone: 03 80 356 65 10; facsimile 03 80 35 65 15. 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 4: The subject of this AD is addressed in French AD T1999-222(A), not dated.

Issued in Kansas City, Missouri, on July 13, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate,

Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99-ACE-34]

Amendment of Class E Airspace; Kansas City, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Class E airspace area at Kansas City International Airport, MO. The Kansas City VHF Omnidirectional Range/Tactical Air Navigation (VORTAC) has been relocated from its present position to the Kansas City International Airport, MO. Relocating the Kansas City VORTAC requires amending the radial for the VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) or Tactical Air Navigation (TACAN) Runway (RWY) 27, Standard Instrument Approach Procedure (SIAP). Also, a review of the Class E airspace area for Kansas City International Airport indicates it does not comply with the criteria for 700 feet Above