

# 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 23

[Docket No. 143CE, Notice No. SC-23-ACE-93]

#### Special Conditions; EXTRA Flugzeugbau GmbH EA-400 Airplane Design

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

**ACTION:** Notice of Proposed Special Conditions.

**SUMMARY:** This document proposes special conditions for the EXTRA Flugzeugbau GmbH EA-400 airplane design. These designs will have novel and unusual design features when compared to the state of technology anticipated in the applicable airworthiness standards. These design features include performance characteristics for which the applicable regulations do not contain adequate or appropriate airworthiness standards. This document contains the additional airworthiness standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the current airworthiness standards.

**DATES:** Comments must be received on or before December 22, 1997.

**ADDRESSES:** Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 143CE, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 143CE. Comments may be inspected weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m., at the Rules Docket location.

**FOR FURTHER INFORMATION CONTACT:** Kenneth W. Payauys, Aerospace Engineer, Standards Office (ACE-110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 601 East 12th Street,

Kansas City, Missouri 64106; telephone (816) 426-5688.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting written data, views, or arguments. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address given above. All communications received on or before the closing date for comments given above will be considered by the Administrator before taking further rulemaking action on this proposal. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 143CE." The postcard will be date stamped and returned to the addressee. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available for examination by interested parties, both before and after the closing date for comments, at the Rules Docket. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Background

On April 6, 1993, the EXTRA Flugzeugbau GmbH, Schwarze Heide 21, D-46569 Hünxe, Germany, made application for normal category type certification of the Model EA-400 airplane design. The EA-400 design is a two-place (side-by-side), all composite material, cantilevered high-wing, retractable gear, unpressurized, single reciprocating engine, airplane with a maximum design weight of 3,974 pounds (1800 kilograms). It is intended for 14 CFR Part 91 operation as a day-VFR normal category airplane.

##### Type Certification Basis

The type certification basis of the EXTRA Flugzeugbau GmbH EA-400 airplane design is the following: 14 CFR Part 23, effective February 1, 1965, through amendment 23-45, effective August 6, 1993; 14 CFR Part 36, effective December 1, 1969, through amendment 36-21 effective December

28, 1995; exemptions, if any; equivalent level of safety findings, if any; and the special conditions adopted by this rulemaking action.

##### Discussion

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated under 14 CFR Part 21, § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are issued under 14 CFR Part 11, § 11.49 after public notice, as required by §§ 11.28 and 11.29, and become a part of the type certification basis, as provided by 14 CFR Part 21, § 21.17(a)(2).

The proposed type design of the EXTRA Flugzeugbau GmbH EA-400 airplane incorporates certain novel and unusual design features for which the airworthiness regulations do not contain adequate or appropriate safety standards. These features include certain performance characteristics necessary for this type of airplane design that were not foreseen by the existing regulations.

This special condition addresses the flight safety of the EA-400 in case of an engine compartment fire with resulting heat conduction through the engine-mounts to composite structure joints beyond the firewall. The type certificate applicant shall demonstrate that the airplane structure design, especially the engine-mount attachments to the structure beyond the firewall, is able to retain the engine while withstanding the following:

1. An engine compartment fire, the loss of the most highly loaded composite joint, and heating of the next most highly loaded composite joint from those that remain;
2. Maximum continuous power for 5 minutes; and
3. Combined airplane flight maneuver and gust limit loads for at least 15 minutes.

**Note:** The engine-mount attachments at the firewall are not the same as the engine-to-engine-mount attachments, which contain vibration dampers.

##### List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

**Citation**

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g); 40113, 44701, 44702, and 44704; 14 CFR 21.16 and 21.17; and 14 CFR 11.28 and 11.29(b).

***The Proposed Special Conditions***

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes the following special conditions as part of the type certification basis for the EXTRA Flugzeugbau GmbH EA-400 airplane design.

**Heat Capability of Engine Mount and Fuselage Connection Joint**

(a) Modify the airworthiness standards given in 14 CFR part 23, POWERPLANT FIRE PROTECTION, *Nacelle areas behind firewalls* (§ 23.1182), by making the most critical composite engine-mount attachment ineffective (assumed destroyed by heat). Then, for 15 minutes, apply an additional flame test of 500°C (932°F) to the next most structurally critical engine-mount of those remaining. The flame shall encompass the whole engine-mount structural attach fitting. Conductive heat will affect the metallic and composite joint structural capability beyond the firewall. Test the joint structural capability with these simultaneous limit load conditions (under these conditions, the engine shall remain attached to the airplane):

(1) The combined thrust, torque and gyroscopic loads resulting from the engine and propeller at maximum continuous power for the first 5 minutes, and

(2) The airplane normal inertial limit loads that result from the following:

(i) A maneuver load factor equal to that obtained from a constant altitude 30° bank, combined with

(ii) The positive and negative vertical design gust load factors that occur at the design maneuvering speed and the minimum flying weight, and

(iii) A factor-of-safety equal to one.

Issued in Kansas City, Missouri on November 6, 1997.

**Mary Ellen A. Schutt,**

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

[FR Doc. 97-30496 Filed 11-19-97; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

**[Airspace Docket No. 97-AWP-10]**

**Proposed Amendment of Class E Airspace; Tracy, CA**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to amend the Class E airspace area at Tracy, CA. The establishment of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 11, a GPS SIAP to RWY 25, and a GPS SIAP to RWY 29 at Tracy Municipal Airport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the approach and departure procedures at Tracy Municipal Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Tracy Municipal Airport, Tracy, CA.

**DATES:** Comments must be received on or before December 29, 1997.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP-520, Docket No. 97-AWP-10, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California, 90261.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California, 90261.

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

**FOR FURTHER INFORMATION CONTACT:** Larry Tonish, Airspace Specialist, Airspace Branch, AWP-520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (310) 725-6531.

**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 the notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 97-AWP-10." 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 light of comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90261, 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**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, 15000 Aviation Boulevard, Lawndale, California 90261. 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 procedures.

**The Proposal**

The FAA is considering an amendment to 14 CFR part 71 to amend the Class E airspace area at Tracy, CA. The establishment of a GPS RWY 11 SIAP, GPS RWY 25 SIAP, and GPS RWY 29 SIAP at Tracy Municipal Airport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface is needed to contain aircraft executing the approach and departures procedures at Tracy Municipal Airport. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the GPS RWY 11