

# 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. 97-CE-102-AD]

RIN 2120-AA64

#### Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Models ASW-19 and ASK-21 Sailplanes

**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 certain Alexander Schleicher Segelflugzeugbau (Schleicher) Models ASW-19 and ASK-21 sailplanes. The proposed AD would require: modifying the rudder surface panels; replacing the airbrake bellcrank; and modifying the rear canopy hinge structure. 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 loss of the canopy caused by design deficiency, airbrake failure caused by cracking, and rudder panel flutter caused by high density altitude conditions, all of which, if not corrected, could result in reduced sailplane 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. 97-CE-102-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 Alexander Schleicher Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe,

Federal Republic of Germany; telephone: 49.6658.890 or 49.6658.8920; facsimile: 49.6658.8923 or 49.6658.8940. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. J. Mike Kiesov, Project Officer, Sailplanes/Gliders, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; 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. 97-CE-102-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. 97-CE-102-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

##### Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for the Federal Republic of Germany, notified the FAA that unsafe conditions may exist on certain Schleicher Model ASW-19 and ASK-22 sailplanes. The LBA reports the following:

- That airflow over the rudder flight control system when near maximum speed and under high density altitude conditions causes panel flutter of the rudder control panels on the Schleicher Model ASW-19 sailplanes;

- That cracks have been found in the rear canopy hinge structure, which could be caused by insufficient design or leaving the sailplane canopy open and exposed to wind forces on the Schleicher Model ASK-21 sailplanes; and,

- That cracks in the airbrake bellcrank have been found during routine maintenance inspection on the Schleicher Model ASK-21 sailplanes.

These conditions, if not corrected, could result in reduced controllability of these sailplanes.

##### Relevant Service Information

Alexander Schleicher has issued the following service information: Technical Note 2, dated September 6, 1976, which specifies procedures for stiffening the rudder surface panels on certain Model ASW-19 sailplanes; and, Technical Note 20 dated October 16, 1987, which specifies procedures for inspecting and replacing the airbrake bellcrank, and inspecting and reinforcing the rear canopy hinge on the Model ASK-21 sailplanes.

The LBA classified these service bulletins as mandatory and issued the following AD's in order to assure the continued airworthiness of these sailplanes in Germany: (1) LBA AD 76-258 dated September 3, 1976, against the Model ASW-19 sailplanes for the rudder panel flutter condition; and (2) LBA 88-2 dated January 18, 1988, against the Model ASK-21 sailplanes for the airbrake bellcrank and rear canopy hinge conditions.

##### The FAA's Determination

The Alexander Schleicher Models ASW-19 and ASK-21 sailplanes are manufactured in Germany and are 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 unsafe conditions have been identified that are likely to exist or develop in other Alexander Schleicher Models ASW-19 and ASK-21 sailplanes of the same type design registered in the United States, the proposed AD would require modifying the sailplanes' rudder panel by stiffening the rudder panel, reinforcing the rear canopy hinge, and replacing the airbrake bellcrank. Accomplishment of the proposed actions would be in accordance with the previously referenced service information.

#### Cost Impact

The FAA estimates that 5 sailplanes in the U.S. registry would be affected by the rudder panel portion of the proposed AD, that it would take approximately 10 workhours per sailplane to accomplish the rudder panel portion of the proposed AD, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$50 per sailplane. Based on these figures, the total cost impact of the rudder panel portion of the proposed AD on U.S. operators is estimated to be \$3,250, or \$650 per sailplane.

The FAA estimates that 30 sailplanes in the U.S. registry would be affected by the airbrake bellcrank portion of the proposed AD, that it would take approximately 6 workhours per sailplane to accomplish the rudder panel portion of the proposed AD, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$200 per sailplane. Based on these figures, the total cost impact of the airbrake bellcrank portion of the proposed AD on U.S. operators is estimated to be \$16,800, or \$560 per sailplane.

The FAA estimates that 30 sailplanes in the U.S. registry would be affected by the rear canopy hinge portion of the proposed AD, that it would take approximately 11 workhours per sailplane to accomplish the rear canopy

hinge portion of the proposed AD, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$15 per sailplane. Based on these figures, the total cost impact of the rear canopy hinge portion proposed AD on U.S. operators is estimated to be \$20,250, or \$675 per sailplane.

#### 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:

##### **Alexander Schleicher Segelflugzeugbau:**

Docket No. 97-CE-102-AD.

**Applicability:** Model ASW-19 sailplanes (serial numbers 19019 through 19037, 19040, and 19042 through 19044), and Model ASK-

21 sailplanes (serial numbers 21001 through 21345), certificated in any category.

**Note 1:** This AD applies to each sailplane 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 sailplanes 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 (c) 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 loss of the canopy caused by design deficiency, airbrake failure caused by cracking, and rudder panel flutter caused by high density altitude conditions, all of which, if not corrected, could result in reduced sailplane controllability, accomplish the following:

(a) Within the next 3 calendar months after the effective date of this AD, accomplish the following:

(1) For Alexander Schleicher Model ASW-19 sailplanes, modify the rudder panel in accordance with the Instructions section in Alexander Schleicher ASW 19 Technical Note No. 2, dated September 6, 1976.

(2) For Alexander Schleicher Model ASK-21 sailplanes, replace the airbrake bellcrank with an airbrake bellcrank of improved design in accordance with the Action section, paragraphs 3.1, 3.2, and 3.3 in Alexander Schleicher ASW 21 Technical Note No. 20, dated October 16, 1987.

(3) For Alexander Schleicher Model ASK-21 sailplanes, modify the rear canopy hinge in accordance with the Action section, paragraph 4.2, in Alexander Schleicher ASW 21 Technical Note No. 20, dated October 16, 1987.

(b) 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 sailplane to a location where the requirements of this AD can be accomplished.

(c) 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, Aircraft Certification Service, 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.

(d) Questions or technical information related to the service information referenced in this AD, should be directed to Alexander

Schleicher Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe, Federal Republic of Germany. 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 No. 76-258, dated September 3, 1976, for the rudder panel condition; and German AD No. 88-2, dated January 1, 1988, for the airbrake bellcrank and the rear canopy hinge conditions.

Issued in Kansas City, Missouri, on March 9, 1998.

**Michael Gallagher,**

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

[FR Doc. 98-6768 Filed 3-16-98; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 97-ANM-21]

#### Proposed Amendment to Class E Airspace; Cedar City, UT

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule would amend the Cedar City, UT, Class E airspace. If amended, the proposal would provide additional airspace necessary to fully encompass various new and revised Standard Instrument Approach Procedures (SIAP) at Cedar City Regional Airport, Cedar City, UT.

**DATES:** Comments must be received on or before May 1, 1998.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM-520, Federal Aviation Administration, Docket No. 97-ANM-21, 1601 Lind Avenue S.W., 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. 97-ANM-21, 1601 Lind Avenue S.W., Renton, Washington 98055-4056; 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. 97-ANM-21." 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 Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM-520, 1601 Lind Avenue S.W., 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 amend Class E airspace at Cedar City, UT. This proposal is essential in order to fully contain new and revised flight procedures within controlled airspace at Cedar City Regional Airport. The existing Class E airspace requires modification to fully encompass the

missed approach, the holding, and the transition procedures to four new or revised SIAP's.

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 E airspace areas, extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005 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 E airspace designation 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 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) 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:

#### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows: