Proposed Rules

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–132–AD]

RIN 2120–AA64

Airworthiness Directives; Diamond Aircraft Industries Models HK 36 TTS and HK 36 TTC 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 Diamond Aircraft Industries (Diamond) Models HK 36 TTS and HK 36 TTC sailplanes. The proposed action would require inspecting the engine turbocharger oil-pressure line for the correct banjo bolt. The correct banjo bolt would have a valve seat, instead of a built-in orifice. If the banjo bolt does not have a valve seat, then the proposed action would require replacing the banjo bolt with one that has a valve seat, and repairing or replacing the turbocharger. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Austria. The actions specified by the proposed AD are intended to prevent possible loss of engine power, which, if not corrected, could result in possible loss of control of the sailplane.

DATES: Comments must be received on or before March 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–132–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 Diamond Aircraft Industries, G.m.b.H., N.A. Otto-Strabe 5, A–2700, Wiener Neustadt, Austria. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. 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. 97–CE–132–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–132–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Austro Control GmbH, which is the airworthiness authority for Austria, recently notified the FAA that an unsafe condition may exist on certain Diamond Aircraft Industries (Diamond) Models HK 36 TTS and HK 36 TTC sailplanes equipped with Bombardier ROTAX (ROTAX) 912 F series engines (serial numbers 4,420,011 through 4,420,058). The Austro Control GmbH reports that during a routine maintenance inspection, Diamond found that some of the affected sailplanes equipped with turbocharged ROTAX engines have the wrong banjo bolt installed in the oil-pressure line. The correct banjo bolt, part number (P/N) 941 782, should have a valve seat instead of a built-in orifice. The wrong banjo bolt could cause excessive wear to the turbine bearing in the turbocharger because of too much oil entering the muffler system. This increased oil in the muffler would be evident by excessive smoke in the exhaust. These conditions, if not corrected, could result in loss of engine power, with possible loss of control of the sailplane.

Relevant Service Information

Bombardier ROTAX has issued Technical Bulletin No. 914–04, dated August 1997, which specifies procedures for inspecting the sailplane's oil-pressure line in the turbocharged engine for the correct banjo bolt (P/N 941 782), replacing any banjo bolt that has a built-in orifice, and repairing or replacing the turbocharger.

The Austro Control GmbH classified this service bulletin as mandatory and issued Austrian AD No. 90, undated, in order to assure the continued airworthiness of these sailplanes in Austria.

The FAA’s Determination

This sailplane model is manufactured in Austria 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, Austro Control GmbH has kept the FAA informed of the situation described above.

The FAA has examined the findings of the Austro Control GmbH, 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 Diamond Aircraft Ltd.
Model HK 36 TTS and HK 36 TTC
sailplanes of the same type design
registered in the United States, the
proposed AD would require inspecting
the banjo bolt for a valve seat. If the
banjo bolt does not have a valve seat,
the proposed AD would require
replacing the banjo bolt, and repairing
or replacing the turbocharger.

A accomplishment of the proposed
installation would be in accordance
with Bombardier ROTAX Technical
Bulletin No. 914-04, dated August,
1997.

Cost Impact

The FAA estimates that 4 sailplanes
in the U.S. registry would be affected by
the proposed AD, that it would take
approximately 1 workhour per sailplane
to accomplish the proposed inspection,
and that the average labor rate is
approximately $60 per hour. Based on
these figures, the total cost impact of the
proposed AD on U.S. operators is
estimated to be $240 or $60 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 USC 106(g), 40113, 44701.

§39.13 [Amended]

2. Section 39.13 is amended by
adding a new airworthiness directive
(AO) to read as follows:

Diamond Aircraft Industries: Docket No. 97-
CE-132-AD.

Applicability: Model HK 36 TTS and HK
36 TTC sailplanes (all serial numbers),
certificated in any category, equipped with
Bombardier ROTAX engines (serial numbers
4,420,011 through 4,420,058).

Note 1: This AO 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 AO. For
sailplanes that have been modified, altered,
or repaired so that the performance of the
requirements of this AO is affected, the
owner/operator must request approval for an
alternative method of compliance in
accordance with paragraph (d) of this AO.
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 10
hours time-in-service (TIS) after the effective
date of this AO, unless already accomplished.

To prevent possible loss of engine power,
which, if not corrected, could result in
possible loss of control of the sailplane,
accomplish the following:

(a) Inspect the Bombardier ROTAX
engine's turbocharger oil-pressure line for a
banjo bolt with a valve seat, part number (P/
N) 941 782 (or an FAA-approved equivalent
part number), in accordance with the
Instructions section of Bombardier

(b) If an incorrect banjo bolt is installed,
prior to further flight, replace the banjo bolt
with one that has P/N 941 782 (or an FAA-
approved equivalent part number), and repair
or replace the turbocharger in accordance
with the Instructions section of Bombardier
DIRECTIVES

(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 sailplane
to a location where the requirements of this
AO 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, 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 ROTAX Technical Bulletin No.
914-04, dated August 1997, should be
directed to Diamond Aircraft Industries,
G.m.b.H., N.A. Otto-Strasse 5, A-2700,
Wiener Neustadt, Austria. 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 AO is addressed
in Austrian AD No. 90, undated.
Issued in Kansas City, Missouri, on

John R. Colomy,
Acting Manager, Small Airplane Directorate,
Aircraft Certification Service.

[FR Doc. 98-3413 Filed 2-10-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

15 CFR Part 922

[Docket No. 971014245-8014-02]

[RF No. 0645-0K45]

Anchoring on Tortugas Bank Within
the Florida Keys National Marine
Sanctuary

AGENCY: Sanctuaries and Reserves
Division (SRD), Office of Ocean and
Coastal Resource Management (OCRM),
National Ocean Service (NOS), National
Oceanic and Atmospheric
Administration (NOAA), Department of
Commerce (DOC).

ACTION: Proposed rule; environmental
assessment.

SUMMARY: The National Oceanic and
Atmospheric Administration is
proposing to amend the regulations for
the Florida Keys National Marine
Sanctuary.