accordance with paragraph 2 of the Instructions section of DG Flugzeugbau Technical Note No. 826/32, dated July 19, 1996, and WORKING INSTRUCTION No. 1 for TN 826/32, dated July, 1996.

(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 glider 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, 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.

(d) Questions or technical information related to DG Flugzeugbau Technical Note No. 826/32, dated July 19, 1996, and DG Flugzeugbau WORKING INSTRUCTION No. 1 for TN 826/32, dated July, 1996, should be directed to DG Flugzeugbau GmbH, P.O. Box 4120, 76625 Bruchsal, 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 96–243 DG–Flugzeugbau, dated August 29, 1996.

Issued in Kansas City, Missouri, on May 13, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–13518 Filed 5–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–21–AD]

RIN 2120–AA64

Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. Models MU–2B Series 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 certain Mitsubishi Heavy Industries, Ltd. (Mitsubishi) MU–2B series airplanes. The proposed action would require incorporating several modifications to the operating systems and installing a placard with operating limitations within the pilot's clear view. Service history of the affected airplanes prompted the FAA to examine the design of these airplanes and analyze the ability of the pilots of these airplanes to fly and operate in icing conditions. The actions specified by the proposed AD are intended to prevent departure from controlled flight and to assist the pilot in detecting ice accumulation on the airplane when flying in icing conditions that exceed the airplane's ice protection capability, which could result in possible loss of control of the airplane.

DATES: Comments must be received on or before July 22, 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–21–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 Mitsubishi Heavy Industries America, Inc., 15303 Dallas Parkway, suite 685, LB–77, Dallas, Texas 75248; telephone (972) 980–5001; facsimile (972) 980–5091. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. John Dow, Aerospace Engineer, Small Airplane Directorate, 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–21–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–21–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

Service history of the Mitsubishi MU–2B series airplanes prompted the FAA to examine the design of these airplanes and analyze the ability of the pilots of these airplanes to fly and operate in icing conditions. The FAA recently conducted a special certification review (SCR) for the Mitsubishi MU–2B series airplanes. This examination shows that several accidents have occurred, and that future accidents/incidents may be prevented by modifications to the airplane design and by additional training to enhance the pilot's ability to manage the airplane in adverse operating conditions. The training issues were addressed in AD 97–20–14. Indications are that the pilot is not detecting or properly interpreting the visual cues of ice build-up on the airframe. The pilots of the airplanes involved in the accidents did not exit the icing conditions, but instead, relied on the autopilot to fly the airplane. In these accidents, the airplanes stalled while on autopilot, which resulted in departure from controlled flight into a spin or near vertical spiral until ground contact was made.

Explanation of Departure From Controlled Flight

Airplanes that fly in these severe icing conditions, although infrequently encountered, can accumulate ice formations that increase drag quickly and raise stall speeds significantly. Combining these elements with a loss of airspeed can cause aerodynamic flow separation or stall on one or both wings. This stall can result in an uncontrolled

rolling or pitching, especially if yawing is present at the stall. Heavy ice-induced stalls can occur very suddenly at airspeeds well in excess of normal stall speeds, with no artificial warning (stick shaker) or natural pre-stall buffet (stick shaker) to advise the pilot that the airplane is about to stall. If the pilot has put the airplane controls on autopilot, and takes no corrective actions during the ice induced slowdown, the autopilot then contributes to the departure from controlled flight.

The certification tests and operation of the MU–2B series airplanes reveal that these airplanes have the capability to cope with normal icing conditions. However, the FAA's current understanding of freezing rain and drizzle, known as supercooled large drops (SLD), shows that atmospheric icing conditions exist that exceed the capability of the pneumatic ice protection found on turbopropeller airplanes, including the MU–2B series airplanes. Flight into SLD, or freezing rain and freezing drizzle, can cause ice accretion on and beyond the active portion of the de-icing boots, on the upper and lower surfaces of the wing, as well as other unprotected surfaces of the airplane. The ice that forms beyond the boots cannot be removed. Ice increases drag, leading to decreased airspeed, and if level flight is maintained, increased angle-of-attack. This evolution can ultimately lead to aerodynamic flow separation over the wing, or stall. Ice can also form around the engine inlets. The accumulated ice might then loosen and be ingested into the engine, interrupt the airflow, and flame out the engine at a critical time.

Relevant Service Information

Mitsubishi has issued the following service bulletins which specify procedures that address the concerns in this proposed action.

- Test Instrumentation, Inc. Document No. MU2–1001, Rev. C., dated June 15, 1997, and Mitsubishi MU–2 Service Bulletin (SB) No. 231, dated July 2, 1997: these documents include procedures for incorporating an audible trim-in-motion alert system to notify the pilot that the trim is trimming nose-up while the autopilot is engaged;
- Test Instrumentation, Inc. Document No. MU2–5001, Rev. E., dated May 21, 1997, and Mitsubishi MU–2 SB No. 232, dated July 2, 1997: these documents include procedures for modifying the existing pneumatic de-icing system to assure that both wing and tailplane boots are receiving enough inflation pressure when the De-Ice System Annunciation is in the ''ON'' position, and circuit breaker modification is made;
- Mitsubishi MU–2 SB No. 217, Revision B, dated November 7, 1996 and Test Instrumentation Inc. Document No. MU2–6005, dated September 28, 1997: these documents include procedures for incorporating an ice detector system that includes an ice probe that will enunciate the presence of actual icing conditions.

The service bulletin specifies using a Rosemont ice detector, part number (P/N) 0871CT1, but this part may be substituted with Rosemont P/N 0871HL1/HL2 or an FAA-approved equivalent part number;

- Test Instrumentation, Inc. Document No. MU2–4001, Rev. C, dated June 30, 1997, and Mitsubishi MU–2 SB No. 231, dated July 2, 1997: these documents include procedures for incorporating an automatic autopilot disconnect system that turns off the autopilot when the airspeed of the airplane falls between 130 to 140 knots indicated airspeed (KIAS);
- Mitsubishi MU–2 SB No. 226B, Revision B, dated October 27, 1997: this document includes procedures for incorporating an auto-ignition (re-light) system; and
- Mitsubishi MU–2 SB No. 074/74–001, dated October 9, 1991: this document includes procedures for incorporating an engine ignition unit replacement (to increase the engines tolerance of ice) and reduce the chances of engine flame-out during critical phases of flight.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the accidents described above, including the previously referenced service information, the FAA has determined that AD action should be taken. Taking AD action is needed to prevent departure from controlled flight and to assist the pilot in detecting ice accumulation on the airplane when flying in icing conditions that exceed the airplane's ice protection capability, which could result in possible loss of control of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other MU–2B series airplanes of the same type design, the proposed AD would require incorporating the following:

(1) An ice detection system,

(2) A de-ice monitoring system,

(3) An automatic autopilot disconnect system and a trim-in-motion alert system,

(4) An engine continuous-duty ignition unit replacement,

(5) An auto-ignition (re-light) system, and

(6) Fabricating a placard (using ⅛-inch letters) and installing this placard within the pilot's clear view with the following words:

Prior to the first flight of the each day, a negative torque sensing (NTS) check and a Propeller Feather Valve check must be performed in accordance with the Normal Checklist Procedures.

Proposed Compliance Time

The FAA has determined that the compliance time of the proposed AD should be specified in calendar time instead of hours time-in-service. Although the condition addressed by the proposed AD is unsafe while the airplane is in flight, the condition is not a result of repetitive airplane operation. The potential for the unsafe condition occurring is the same on the first flight as it is for subsequent flights. The proposed compliance time of ''12 calendar months after the effective date of this AD'' would not inadvertently ground airplanes and would assure that all owners/operators of the affected airplanes accomplish the proposed action in a reasonable time period.

Regulatory Flexibility Determination and Analysis

The Regulatory Flexibility Act of 1980 was enacted by Congress to assure that small entities are not unnecessarily or disproportionately burdened by government regulations. This Act establishes ''as principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.'' To achieve this principle, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a ''significant economic impact on a substantial number of small entities.'' If the determination is that it will, the agency must prepare a Regulatory Flexibility Analysis as described in the Act. However, if after a review for a proposed or final rule, an agency

determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, Section 605(b) of the Act provides that the head of the agency may so certify and a Regulatory Flexibility Analysis is not required. The Certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The FAA has determined that this proposed AD would have a significant economic impact on a substantial number of small entities. After a review of alternatives, as required by Section 603(c) of the Act, the proposed AD is the least costly alternatives to improve the safety of the Mitsubishi MU–2B series airplanes that may encounter in-flight icing conditions.

The entities affected by this AD are believed to be mostly in Standard Industrial Classification (SIC) 4522, ''Air Transportation, Nonscheduled.'' Under the Small Business Administration (SBA), *Table of Size Standards*, March 1, 1996, an entity in SIC 4522 would be a small business if it has fewer than 1,500 employees.

The U.S. Registered Aircraft Database shows approximately 200 operators of Mitsubishi MU–2B series airplanes in the United States, but that only 13 entities operate two or more of these airplanes. Ownership of more than one MU–2B series airplane is believed to be limited to five percent of the affected aircraft owners. Only one of these operators had ten or more of these airplanes. The total number of owners operating of MU–2B series airplanes is in the range of 320 to 340, and the names of the owners suggest that the majority of these airplanes are operated by small entities. Consequently, this proposed AD is likely to affect a substantial number of small entities.

The initial cost for each owner/operator of an MU–2B series airplane is estimated to be approximately $25,728. Reported usage rates of 32 to 33 hours per month (almost 400 hours per year) indicate that an airplane would be subject to a total of four inspections per year. At a nominal inspection time of one hour per inspection and labor cost of $60 per hour, the proposed annual inspection costs would be approximately $240 per airplane. These estimates include costs for the associated record keeping. A reasonable range of costs arising from this proposed AD is suggested in the following table:

Cost of capital	Remaining life of aircraft	Annualized cost		Present value of total cost
		Initial	Total	
10%/year	20 years	$3,022	$3,262	$27,771
15%/year	20 years	4,110	4,350	27,230
10%/year	10 years	4,187	4,427	27,203
15%/year	10 years	5,126	5,366	26,933

The remaining life for an affected airplane will depend on the demand for the types of service provided (such as cargo delivery and medical evacuation), as well as the difference in cost between providing this service with the MU–2B series airplanes and the cost of using alternative aircraft or modes of transportation. According to the manufacturer, detailed inspections show that deterioration of the airframes has been quite small, so that a 20-year life expectancy may be a reasonable assumption. In addition, the manufacturer acknowledged recent instances of retired MU–2B series airplanes being returned to service. These considerations suggest that it is reasonable to assume a relatively long expected life for many of the MU–2B series airplanes, so that the annualized cost per affected aircraft may average less than $5,000.

With an average annual cost per airplane in the range of $3,200 to $5,400 (consistent with 10 to 20 years of remaining life and capital costs of 10 to 15 percent per year), the present value of the total cost would be approximately $27,000 per airplane. The total annualized cost of this proposed AD for the U.S. fleet would be in the range of $1 million (320×$3,200 = $1,024,000) to $1.8 million (340×$5,400 = $1,836,000). The present discounted value of total costs imposed by the proposed AD are in the range of $8.6 million to $9.4 million.

Market values for the affected airplanes are believed to be in the range of $300,000 to $800,000, depending on the airplane's age, condition, and installed equipment. Therefore, the proposed AD costs would be about 3.5 percent to 9 percent (($27,000/$800,000)×100% = 3.5% to ($27,000/$300,000) ×100% = 9%) of the market value of the airplane. Because the costs imposed by the proposed AD would be proportionately higher for less expensive airplanes, it is likely that they would also be proportionately higher for smaller, less financially strong operators than for larger operators.

Based on the above-referenced conditions, the proposed AD would have a substantial economic impact on a significant number of small entities.

Cost Versus Benefits

The purpose of the proposed AD is to improve flight safety under icing conditions for Mitsubishi MU–2B series airplanes. The National Transportation Safety Board (NTSB) Accident-Incident Database indicates that three Mitsubishi MU–2B airplane accidents occurred from 1982 through 1996, with a total of 14 fatalities. All three accidents were related to loss of control of the airplane while flying in severe icing conditions. These three airplane accidents amount to about one percent of the MU–2B series airplane fleet. All were part 91 operations.

In one of these accidents, involving eight fatalities in 1996, the pilot continued flight into (unforecast) severe icing conditions with known in-operative anti-ice gear. The NTSB report attributed the accident to flying with known equipment deficiencies and failure to maintain airspeed.

In a second accident, involving five fatalities in 1990, the NTSB noted that the probable cause included improper flight planning, which resulted in flight into icing conditions, along with failure to maintain adequate airspeed and control. Pilot inexperience in this Mitsubishi MU–2B series airplane was also cited as a related factor.

In a third accident involving one fatality in 1988, the pilot was the sole occupant. The pilot of the 1988 accident reported an uncontrolled descent shortly after starting to climb, following a descent that had been made in order to remove structural icing. Although the reason for this accident was indicated to be undetermined, the airplane was believed to have had problems with cabin pressurization, as well as some structural damage associated with landing in an overweight condition, prior to encountering the icing. Crew error was found to be one of the causes of the first two accidents, and seems

likely in the third accident. Timely warnings of the ice forming on the airframe may have prevented some or all of these accidents.

In developing this Regulatory Flexibility Analysis several alternatives to proposing this AD were considered. The alternatives included: (1) taking no action, including issuance of the proposed AD, (2) requiring additional training and the provision of special instructions relating to operating in icing conditions for MU–2B series pilots, (3) banning the MU–2B series airplanes from flights into known or suspected icing conditions, and (4) issuing the proposed AD.

Alternative (1): taking no action. Taking no action would permit the continuation of current conditions that could result in a repeat of icing-related accidents similar to those that have occurred over the past 10 years.

Alternative (2): requiring additional training. A requirement for additional training is addressed in AD 97–20–14, Amendment 39–10150 (62 FR 51594) issued on September 26, 1997, which requires periodic training of pilots and crew flying any Mitsubishi MU–2 series airplane into possible or forecast icing conditions. This training should assist in reducing future ice-related accidents for the affected airplanes.

Alternative (3): banning flight into known or suspected icing conditions. Banning flight into known or suspected icing conditions would not eliminate inadvertent encounters with icing conditions aloft. Such restrictions may have little effect flying into unforecast icing conditions with inoperable anti-ice equipment and insufficient flight planning. Unknown forecast conditions aloft and insufficient flight planning contributed to two of the accidents (and 13 of the 14 fatalities) cited. In addition, such a ban would impose costs on owners/operators in the form of significant losses in value for the airplanes, since the airplanes would be prevented from making flights, despite being outfitted with anti-ice equipment.

Alternative (4): issuing the proposed AD. Issuing the proposed AD would result in the installation of equipment that would provide a timely warning at the onset of icing conditions, so that most accidents resulting from inadvertent encounters with severe icing conditions could possibly be prevented.

A benefit/cost comparison for this proposed AD can be made by noting that the present value of the costs imposed by this rule are on the order of $9 million. The present value of a single life saved sometime over the next 20 years (making use of the Department of Transportation's value for an avoided fatality of $2.7 million) is approximately $1.43 million. This figure reflects 1/20 of an annual avoided fatality ($2.7 million / 20 = $135,000) discounted over 20 years at the Office of Management and Budget-specified discount rate of 7 percent.

With these figures in mind, the proposed AD would have benefits in excess of costs if it were to result in the avoidance of a single accident that involves 6 or 7 fatalities ($9 million / $1.43 million = 6.29 avoided fatalities) over the next 20 years. Adding the benefit of avoiding the loss of an airplane worth nearly a half million dollars to the benefit presented above increases the benefits relative to costs related to the proposed actions.

Although it may be assumed that current operators of these airplanes are now aware of the dangers posed by icing conditions, so that icing-related accidents are now less likely than in the recent past, the avoidance of 6 or 7 icing-related fatalities over the next 20 years is not implausible. These airplanes can carry up to 12 passengers and crewmembers. The past 10 years' experience implies an annual icing-related accident rate of 0.33 (3/10 = 0.33) with an annual icing-related fatality rate of 1.4 (14/10 = 1.4). Seven avoided fatalities over the next 20 years implies an annual avoided fatality rate of 0.35 (7/20 = 0.35), or one-fourth of the average Mitsubishi MU–2B airplane icing-related fatality rate observed over the past 10 years.

For reasons outlined above, the FAA has determined that the proposed AD is likely to have benefits in excess of costs and is not aware of a less costly alternative that would be likely to bring about a significant improvement in the safety of Mitsubishi MU–2B series airplanes that encounter in-flight icing conditions.

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 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 (AD) to read as follows:

Mitsubishi Heavy Industries, Ltd.: Docket No. 97–CE–21–AD.

Applicability: Models MU–2B, MU–2B–10, MU–2B–15, MU–2B–20, MU–2B–25, MU–2B–26, MU–2B–26A, MU–2B–30, MU–2B–35, MU–2B–36, MU–2B–36A, MU–2B–40, and MU–2B–60 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 (i) 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 12 calendar months after the effective date of this AD, unless already accomplished.

To prevent departure from controlled flight and to assist the pilot in detecting ice accumulation on the airplane when flying in icing conditions that exceed the airplane's ice protection capability, which could result in possible loss of control of the airplane, accomplish the following:

(a) Incorporate an ice detection system in accordance with the instructions in Mitsubishi MU–2 Service Bulletin (SB) No. 217, Revision B, dated November 7, 1996, and Test Instrumentation Inc. Document No. MU2–6005, dated September 28, 1997.

Note 2: The Rosemount ice detection probe (part number (P/N) 0871 HL1/HL2 or an FAA-approved equivalent part number) may be substituted for the Rosemount P/N 0871CT1 called out in Mitsubishi MU–2B SB No. 217, Revision B, dated November 7, 1996, and Test Instrumentation Inc. Document No. MU2–6005, dated September 28, 1997.

(b) Incorporate a pneumatic de-ice monitoring system in accordance with the instructions in Test Instrumentation, Inc. Document No. MU2–5001, Rev. E., dated May 21, 1997, and Mitsubishi MU–2 SB No. 232, dated July 2, 1997.

(c) Incorporate a trim-in-motion alerting system and an automatic autopilot disconnect system in accordance with the instructions in Test Instrumentation, Inc. Document No. MU2–1001, Rev. C, dated June 15, 1997, Test Instrumentation, Inc. Document No. MU2–4001, Rev. C, dated June 30, 1997, and Mitsubishi MU–2 SB No. 231, dated July 2, 1997.

(d) Incorporate an engine ignition unit replacement in accordance with the instructions in Mitsubishi MU–2B SB No. 074/74–001, dated October 9, 1991.

(e) Incorporate an auto-ignition (re-light) system in accordance with the instructions in Mitsubishi MU–2 SB No. 226B, Revision B, dated October 27, 1997.

(f) Fabricate a placard with the following words and install this placard within the pilot's clear view:

Prior to the first flight of the day, a negative torque sensing (NTS) check and a Propeller Feather Valve check must be performed in accordance with the Normal Checklist Procedures.

(g) Paragraph (f) of this AD can be accomplished 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 this AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(h) 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.

(i) 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.

(j) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Mitsubishi Heavy Industries America, Inc., 15303 Dallas Parkway, suite 685, LB–77, Dallas, Texas; or may examine these documents at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on May 13, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–13517 Filed 5–20–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91 and 150

[Docket No. 2923]

Compatible Land Use Planning Initiative

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments.

SUMMARY: The FAA is seeking new ideas regarding how the agency can better influence land use decisions around airports. Noise contours around airports will continue to shrink with the elimination of noisier Stage 2 airplanes by the year 2000. The FAA now seeks to develop a process that will better influence long-term land use planning and zoning around airports. This notice solicits suggestions about methods the FAA can use to encourage and help State and local governments achieve and maintain land use compatibility around airports.

DATES: Comments must be received on or before June 22, 1998.

ADDRESSES: Comments should be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. 29231, 800 Independence Avenue, SW., Washington, DC 20591. Comments may also be sent electronically to the Rules Docket by using the following Internet address: 9-nprm-cmts@faa.dot.gov. Comments must be marked Docket No. 29231. Comments may be examined in the Rules Docket in Room 915G on weekdays between 8:30 a.m. and 5:00 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alan Trickey, Policy and Regulatory Division, AEE–300, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone, (202) 267–3496; facsimile, (202) 267–5594; email, alan.trickey@faa.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Aircraft noise is a serious problem for communities around airports. Federal, state and local governments have spent several billion dollars for the acquisition of land, soundproofing, changes in airport operations and airspace, and processing of complaints. The airline industry has expended billions more to acquire quieter aircraft that reduce noise exposure levels. Although this collective effort has resulted in significant progress, additional measures are needed to maintain current gains and prevent the development of new noncompatible land uses around airports.

The FAA has been actively engaged in measures to solve the problem of aircraft noise since the 1960's. Specifically, the FAA has issued regulations phasing out noisier airplanes. The noisiest Stage 1 airplanes were phased out of commercial operations in the United States by 1988. The current phaseout will eliminate large Stage 2 airplanes from operations in the contiguous United States by the year 2000. The FAA provides grants to airport operators willing to undertake noise abatement measures such as the purchase of land and soundproofing of residences.

Based on several studies, the FAA expects noise contours at most airports to continue to shrink for several years into the 21st century due to the elimination of noisier aircraft. After the completion of the Stage 2 phaseout by the year 2000, the FAA anticipates that these contours could begin to expand again at some airports primarily due to increases in operations. It is essential for local jurisdictions to plan ahead to maintain the land use compatibility already achieved near airports and to control land uses to prevent new noise-sensitive development within an agreed upon protection zone.

The U.S. Constitution, gives individual States the authority over land use, though such authority is often delegated to local governments. Some airports are operated by the state or municipal governments that have the power to achieve appropriate land use controls through zoning and other authorities. But even when governmental bodies are themselves airport operators, the noise effects of their airports often occur in areas outside their jurisdictions. Land use decisions generally reflect the needs of the community, which include but are