

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-CE-51-AD; Amendment 39-10722; AD 98-18-06]

RIN 2120-AA64

Airworthiness Directives; Schempp-Hirth K.G. Model Cirrus Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Schempp-Hirth K.G. (Schempp-Hirth) Model Cirrus sailplanes. This AD requires modifying or replacing the connecting rod between the airbrake bellcranks, and replacing the existing 6 millimeter (mm) bolt with an 8 mm bolt. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by this AD are intended to prevent the threaded bolt that is welded to the connecting rod between the airbrake bellcranks from breaking, which could result in loss of airbrake control with a possible reduction/loss of sailplane control.

DATES: Effective October 12, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 12, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from Schempp-Hirth Flugzeugbau GmbH, Krehen Strasse 25, D-73230 Kirchheim unter Teck, Germany. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE-51-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6934; facsimile: (816) 426-2169.

SUPPLEMENTARY INFORMATION:**Events Leading to the Issuance of This AD**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would

apply to certain Schempp-Hirth K.G. (Schempp-Hirth) Model Cirrus sailplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on June 18, 1998 (63 FR 33292). The NPRM proposed to require modifying or replacing the connecting rod between the airbrake bellcranks, and replacing the existing 6 millimeter (mm) bolt with an 8 mm bolt. Accomplishment of the proposed action as specified in the NPRM would be in accordance with Schempp-Hirth Technical Note No. 265-8, dated February 11, 1985.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Compliance Time of This AD

Although the unsafe condition identified in this AD occurs during flight and is a direct result of sailplane operation, the FAA has no way of determining how long the 6 mm bolt may go without breaking. For example, the condition could exist on a sailplane with 200 hours time-in-service (TIS), but could be developing and not actually exist on another sailplane until 300 hours TIS. For this reason, the FAA has determined that a compliance based on calendar time should be utilized in this AD in order to assure that the unsafe condition is addressed on all sailplanes in a reasonable time period.

Cost Impact

The FAA estimates that 21 sailplanes in the U.S. registry will be affected by this AD, that it will take approximately 12 workhours per sailplane to accomplish this action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$60 per sailplane. Based on these figures, the total cost impact of this AD on U.S.

operators is estimated to be \$16,380, or \$780 per sailplane.

Regulatory Impact

The regulations adopted herein will 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 final rule does 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) 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 final evaluation prepared for this action is contained 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, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

98-18-06 Schempp-Hirth K.G.: Amendment 39-10722; Docket No. 98-CE-51-AD.

Applicability: Model Cirrus sailplanes, serial numbers 1 through 50, 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: Within the next 4 calendar months after the effective date of this AD, unless already accomplished.

To prevent the threaded bolt that is welded to the connecting rod between the airbrake bellcranks from breaking, which could result in loss of airbrake control with a possible reduction/loss of sailplane control, accomplish the following:

(a) Modify or replace the connecting rod between the airbrake bellcranks, and replace the existing 6 millimeter (mm) bolt with an 8 mm bolt. Accomplish these actions in accordance with Schempp-Hirth Technical Note No. 265-8, dated February 11, 1985.

(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, 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 Schempp-Hirth Technical Note No. 265-8, dated February 11, 1985, should be directed to Schempp-Hirth Flugzeugbau GmbH, Kreben Strasse 25, D-73230 Kirchem unter Teck, 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.

(e) The modification and replacements required by this AD shall be done in accordance with Schempp-Hirth Technical Note No. 265-8, dated February 11, 1985. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Schempp-Hirth Flugzeugbau GmbH, Kreben Strasse 25, D-73230 Kirchem unter Teck, Germany. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in German AD 85-56, dated March 4, 1985.

(f) This amendment becomes effective on October 12, 1998.

Issued in Kansas City, Missouri, on August 18, 1998.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-22825 Filed 8-26-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-CE-120-AD; Amendment 39-10724; AD 98-18-08]

RIN 2120-AA64

Airworthiness Directives; Bombardier Inc. Model Otter DHC-3 Airplanes

AGENCY: Federal Aviation Administration, DOT

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Bombardier Inc. (formerly deHavilland Inc) Model DHC-3 (Otter) airplanes that have been modified in accordance with A.M. Luton Supplemental Type Certificate (STC) No. SA3777NM. This AD requires modifying the airplane's electrical system. The actions specified by this AD are intended to prevent electrical system failure caused by inadequate electrical system design, which could result in the loss of the engine instruments or a possible electrical fire in the airplane's cockpit.

DATES: Effective October 10, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 10, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from A.M. Luton, 3025 Eldridge Avenue, Bellingham, Washington 98225; telephone: (360) 671-7817, facsimile: (360) 671-7820. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-120-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Pasion, Aerospace Engineer, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue, SW, Renton, Washington 98055-4056; telephone: (425) 227-2594; facsimile: (425) 227-1181.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Bombardier Inc. Model DHC-3 (Otter) airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on April 13, 1998 (63 FR 17970). The airplanes affected have electrical system modifications in accordance with A.M. Luton STC No. SA3777NM. The NPRM proposed to require replacing the voltage regulator and voltage-ammeter gauge, and modifying the auxiliary bus systems. These modifications would bring the airplane's electrical system into compliance with the current regulations.

Accomplishment of the proposed action as specified in the NPRM would be in accordance with A.M. Luton Electrical Systems Schematic Drawing 20075, Rev. G and E, Sheets 1, 2, and 3, dated May 15, 1998, which is referenced in A.M. Luton Service Information Letter SA-SIL-98-11-03, "Electrical Systems", Revision A, dated May 15, 1998.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Comment No. 1: Change in Compliance Time

Three commenters state that the proposed compliance of 100 hours time-in-service (TIS) would be an economic hardship because of the way they operate the affected airplanes. Some operators utilize their airplanes more than 100 hours in a month's time, with many in revenue operations, i.e., air taxi, etc. One operator estimates losing as much as \$50,000 if the airplanes had to be out of service for approximately three days to accomplish the proposed modification. All of the commenters state that their fleets have not had any service history problems related to electrical fires and proposed that the compliance time be lengthened to coincide with the next annual inspection.

The FAA concurs. In reviewing the service history of the U.S. registered fleet and the operational levels of the affected airplanes, the FAA has determined that the compliance time should coincide with the airplanes' annual maintenance programs. For this reason, the compliance time of the proposed AD is changed from 100 hours TIS after the effective date of the AD to