

convey safe operation for airplanes certificated under the Civil Aviation Regulations and part 23 of the Federal Aviation Regulations (14 CFR part 23). The commenter also states that placards should not be limited to only emergency information.

*What is FAA's Response to the Concern?*

We concur that placards are not just limited to emergency information. All required placards should convey information for safe operation. However, both CAR 3.777/3.777-1 and 14 CFR 23.1541 state that placards should convey safe operation information if the aircraft has unusual design, operation, or handling characteristics. As discussed previously, utilizing a positive detent to assure that the fuel valve is fully open to the tank selected is considered a standard design practice in the aircraft industry.

We are not changing the AD action as a result of this comment.

**Comment Issue No. 4: FAA Has Changed the Definition of Unsafe Condition**

*What is the Commenter's Concern?*

One commenter states that, by withdrawing AD 99-05-13, FAA will have changed the historical definition of an unsafe condition. We infer that the commenter wants to maintain the effectiveness of AD 99-05-13.

*What is FAA's Response to the Concern?*

We do not concur that we have altered the definition of an unsafe condition. Determination of an unsafe condition is based on each individual situation. Factors that are considered include the design, operation, or handling characteristics of the type design airplanes. As discussed above, utilizing a positive detent to assure that the fuel valve is fully open to the tank selected is considered a standard design practice in the aircraft industry.

We are not changing the AD action as a result of this comment.

**Comment Issue No. 5: Numerous Occurrences Justify the Current AD**

*What is the Commenter's Concern?*

One commenter states that placing a warning placard specifying the safe operation of the fuel selector as AD 99-05-13 requires supports the 49 occurrences from the records of the National Transportation Safety Board (NTSB). We infer that the commenter wants to maintain the effectiveness of AD 99-05-13.

*What is FAA's Response to the Concern?*

We do not concur with the commenter's assessment. We have reviewed 37 reports of the above-referenced 49 occurrences (commenter only provided 37). Approximately half of the occurrences listed the cause as fuel starvation in combination with the fuel selector not positioned in the detent. The most prevalent cause was failure to follow checklist procedures. In no instance was the pilot's lack of knowledge or understanding of the positioning of the fuel selector listed as the cause of the occurrence.

In addition, NTSB has not recommended that FAA issue an AD on this subject. Therefore, we conclude that the commenter believes NTSB supports the placard requirement, when in fact, NTSB has made no recommendation supporting it. Again, utilizing a positive detent to assure that the fuel valve is fully open to the tank selected is considered a standard design practice in the aircraft industry.

We are not changing the AD action as a result of this comment.

**The FAA's Determination**

*What is FAA's Final Determination on This Issue?*

Based on the above information, FAA has determined that there is no need for AD 99-05-13 and that it should be withdrawn.

This action withdraws AD 99-05-13. Withdrawal of AD 99-05-13 will not preclude us from issuing another notice in the future, nor will it commit us to any course of action in the future.

**Regulatory Impact**

Since this action only withdraws an AD, it is not an AD and, therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Withdrawal**

Accordingly, FAA withdraws AD 99-05-13, Amendment 39-11061 (64 FR 10560, March 5, 1999).

Issued in Kansas City, Missouri, on July 5, 2000.

**Michael Gallagher,**

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

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Airspace Docket No. 99-ACE-30]

**Amendment to Class E Airspace; Albion, NE**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This document confirms the effective date of a direct final rule which revises Class E airspace at Albion, NE.

**DATES:** The direct final rule published at 65 FR 26126 is effective on 0901 UTC, August 10, 2000.

**FOR FURTHER INFORMATION CONTACT:** Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2524

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a request for comments in the **Federal Register** on May 5, 2000 (65 FR 26126). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on August 10, 2000. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on June 28, 2000.

**Richard L. Day,**

*Acting Manager, Air Traffic Division, Central Region.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Airspace Docket No. 00-ACE-18]

**Amendment to Class E Airspace; Hugoton, KS**

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