

# Proposed Rules

Federal Register

Vol. 71, No. 155

Friday, August 11, 2006

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. FAA-2006-24709; Directorate Identifier 2006-CE-28-AD]

RIN 2120-AA64

#### Airworthiness Directives; Glasflugel Models H 301 "Libelle," H 301B "Libelle," Standard "Libelle," and Standard Libelle-201B Sailplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all Glasflugel Models H 301 "Libelle," H 301B "Libelle," Standard "Libelle," and Standard Libelle-201B sailplanes. This proposed AD would require you to replace the rudder actuator arm (manufactured according to drawing No. 301-45-10) with an improved design rudder actuator arm (manufactured following drawing No. 301-45-13). This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. We are proposing this AD to detect and correct damage to the rudder actuator arm, which could result in failure of the rudder actuator arm. This failure could result in reduced or loss of rudder control.

**DATES:** We must receive comments on this proposed AD by September 11, 2006.

**ADDRESSES:** Use one of the following addresses to comment on this proposed AD:

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.
- Government-wide rulemaking Web site: Go to <http://www.regulations.gov>

and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- Fax: (202) 493-2251.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Glasflugel, Glasfaser-Flugzeug-Service GmbH, Hansjory Steifeneder, Hofener Weg, 72582 Grabenstetten, Federal Republic of Germany; telephone: 011 49 7382 1032.

#### FOR FURTHER INFORMATION CONTACT:

Gregory Davison, Glider Project Officer, ACE-112, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; facsimile: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, "FAA-2006-24709; Directorate Identifier 2006-CE-28-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive concerning this proposed AD.

##### Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified FAA that an unsafe condition may exist on all Glasflugel Models H 301 "Libelle," H 301B "Libelle," Standard "Libelle," and Standard Libelle-201B sailplanes. The LBA reports several occurrences of damage to the rudder actuator arm

caused by inappropriately lifting the fuselage at the rudder during ground handling. Visual inspections of the actuator arm revealed the damage to the rudder actuator arm.

This condition, if not corrected, could result in failure of the rudder actuator arm. This failure could result in reduced or loss of rudder control.

#### Relevant Service Information

We have reviewed Glasfaser-Flugzeug-Service GmbH Hansjory Streifeneder Technical Note No. 201-35 and No. 301-39, dated March 1, 2005.

The service information describes procedures for replacing the rudder actuator arm (manufactured according to drawing No. 301-45-10) with an improved design actuator arm (manufactured following drawing No. 301-45-13).

#### Foreign Airworthiness Authority Information

The LBA classified this service bulletin as mandatory and issued German AD Number D-2005-118, dated April 4, 2005, to ensure the continued airworthiness of these sailplanes in Germany.

These Glasflugel Models H 301 "Libelle," H 301B "Libelle," Standard "Libelle," and Standard Libelle-201B 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.

Under this bilateral airworthiness agreement, the LBA has kept us informed of the situation described above.

#### FAA's Determination and Requirements of the Proposed AD

We are proposing this AD because we have examined the LBA's findings, evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design that are certificated for operation in the United States.

This proposed AD would require you to replace the rudder actuator arm (manufactured according to drawing No. 301-45-10) with an improved design actuator arm (manufactured following drawing No. 301-45-13).

**Costs of Compliance**

We estimate that this proposed AD would affect 160 sailplanes in the U.S. registry.

We estimate the following costs to do the proposed replacement of the rudder actuator arm (manufactured according to drawing No. 301-45-10):

| Labor cost                                 | Parts cost | Total cost per sailplane | Total cost on U.S. operators |
|--------------------------------------------|------------|--------------------------|------------------------------|
| 3 work-hours × \$80 per hour = \$240 ..... | \$150      | \$390                    | \$62,400                     |

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect 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.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the 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.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

**Examining the AD Docket**

You may examine the AD docket that contains the proposed AD, the regulatory evaluation, any comments received, and other information on the Internet at <http://dms.dot.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647-5227) is located at the street address stated in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

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

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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. The FAA amends § 39.13 by adding the following new AD:

**Glasflugel:** Docket No. FAA-2006-24709; Directorate Identifier 2006-CE-28-AD.

**Comments Due Date**

- (a) We must receive comments on this airworthiness directive (AD) action by September 11, 2006.

**Affected ADs**

- (b) None.

**Applicability**

- (c) This AD affects Models H 301 "Libelle," H 301B "Libelle," Standard "Libelle," and Standard Libelle-201B sailplanes, all serial numbers, that are certificated in any category.

**Unsafe Condition**

- (d) This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. We are issuing this AD to detect and correct damage to the rudder actuator arm, which could result in failure of the rudder actuator arm. This failure could result in reduced or loss of rudder control.

**Compliance**

- (e) To address this problem, you must do the following:

| Actions                                                                                                                                                                    | Compliance                                                                        | Procedures                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| (1) Replace the rudder actuator arm (manufactured according to drawing No. 301-45-10) with an improved design actuator arm (manufactured following drawing No. 301-45-13). | Within the next 30 days after the effective date of this AD, unless already done. | Follow Glasfaser-Flugzeug-Service GmbH Hansjörg Streifeneder Technical Note No. 201-35 and No. 301-39, dated March 1, 2005. |
| (2) Do not install any rudder actuator arm (manufactured according to drawing No. 301-45-10).                                                                              | As of the effective date of this AD .....                                         | Not Applicable.                                                                                                             |

**Alternative Methods of Compliance (AMOCs)**

(f) The Manager, Standards Office, Small Airplane Directorate, FAA, ATTN: Gregory Davison, Glider Project Officer, ACE-112, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; facsimile: (816)

329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

**Related Information**

(g) German AD Number D-2005-118, dated April 4, 2005, also addresses the subject of this AD. To get copies of the service

information referenced in this AD, contact Glasflugel, Glasfaser-Flugzeug-Service GmbH, Hansjörg Streifeneder, Hofener Weg, 72582 Grabenstetten, Federal Republic of Germany; telephone: 011 49 7382 1032. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW.,

Nassif Building, Room PL-401, Washington, DC, or on the Internet at <http://dms.dot.gov>. The docket number is Docket No. FAA-2006-24709; Directorate Identifier 2006-CE-28-AD.

Issued in Kansas City, Missouri, on August 4, 2006.

**John Colomy,**

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

[FR Doc. E6-13134 Filed 8-10-06; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2006-25501; Airspace Docket No. 06-ACE-9]

#### Proposed Establishment of Class D Airspace; Fort Riley, KS

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing a Class D airspace area extending upward from the surface to and including 3,600 feet above sea level within a 3.7-mile radius of Fort Riley, Marshall Army Airfield, KS. The establishment of an air traffic control tower has made this action necessary.

**DATES:** Comments for inclusion in the Rules Docket must be received on or before September 15, 2006.

**ADDRESSES:** Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2006-25501/ Airspace Docket No. 06-ACE-9, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527) is on the plaza level of the Department of Transportation Nassif Building at the above address.

**FOR FURTHER INFORMATION CONTACT:** Grant Nichols, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2522.

#### 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 both docket numbers 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 Docket No. FAA-2006-25501/Airspace Docket No. 06-ACE-9." The postcard will be date/time stamped and returned to the commenter.

##### Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov> or the Superintendent of Document's Web page at <http://www.access.gpo.gov/nara>.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

##### The Proposal

This notice proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing a Class D airspace area extending upward from the surface to and including 3,600 feet above sea level within a 3.7-mile radius of Fort Riley, Marshall Army Airfield, KS. The establishment of an air traffic control tower has made this action necessary. The intended effect of this proposal is to provide controlled

airspace for flight operations at Fort Riley, Marshall Army Airfield, KS. The area would be depicted on appropriate aeronautical charts.

Class D airspace areas are published in Paragraph 5000 of FAA Order 7400.9N, dated September 1, 2005, and effective September 16, 2005, which is incorporated by reference in 14 CFR 71.1. The Class D 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.

This proposed rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority since it would contain flight operations at Fort Riley, Marshall Army Airfield, KS.

##### 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 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.