

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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on May 13, 1997.

Issued in Renton, Washington, on March 27, 1997.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 97-8424 Filed 4-7-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-CE-19-AD; Amendment 39-9990; AD 97-08-02]

RIN 2120-AA64

Airworthiness Directives; Schempp-Hirth K.G. Models Standard-Cirrus, Nimbus-2, Nimbus-2B, Mini-Nimbus HS-7, Mini-Nimbus B, Discus a, and Discus b 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) Models Standard-Cirrus, Nimbus-2, Nimbus-2B, Mini-Nimbus HS-7, Mini-Nimbus B, Discus a, and Discus b sailplanes. This AD requires accomplishing a load test of the elevator control system, and replacing the elevator vertical actuating tube either immediately or at a certain time period depending on the results of the load test. This AD results from reported incidents of corrosion found in the elevator because of water entering the elevator control rod. The actions specified by this AD are intended to prevent corrosion in the elevator caused by water entering the elevator control rod, which could result in elevator failure and subsequent loss of control of the sailplane.

DATES: Effective May 30, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 30, 1997.

ADDRESSES: Service information that applies to this AD may be obtained from Schempp-Hirth Flugzeugbau GmbH, Krebenstrasse 25, Postfach 1443, D-73230 Kirchheim/Teck, Germany. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96-CE-19-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. J. Mike Kiesov, Project Officer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; 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 Models Standard-Cirrus, Nimbus-2, Nimbus-2B, Mini-Nimbus HS-7, Mini-Nimbus B, Discus a, and Discus b sailplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 5, 1996 (61 FR 56921). The NPRM proposed to require accomplishing a load test of the elevator control system, and replacing the elevator vertical actuating tube either immediately or at a certain time period depending on the results of the load test. Accomplishment of the proposed actions as specified in the NPRM would be in accordance with Schempp-Hirth Technical Note No. 278-33, 286-28, 295-22, 328-10, 349-16, 360-9, 373-5, dated November 19, 1992, and the Appendix to this technical note.

The NPRM resulted from reported incidents of corrosion found in the elevator because of water entering the elevator control rod.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed AD 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 AD 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 the AD

The compliance time of the replacement required by this AD is presented in calendar time instead of hours time-in-service. The FAA has determined that a calendar time for compliance would be the most desirable method because the unsafe condition of the elevator control system is caused by corrosion. Corrosion can occur in the areas of the elevator control system of the affected sailplanes, regardless of whether the sailplane is in service.

Cost Impact

The FAA estimates that 167 sailplanes in the U.S. registry will be affected by this AD, that it will take approximately 3 workhours per sailplane to accomplish the required action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$40 per sailplane. Based on these figures, the total cost impact of the proposed AD on U.S. sailplane operators is estimated to be \$36,740. This figure is based on the presumption that no owner/operator of the affected sailplanes has accomplished the required replacement.

Schempp-Hirth has informed the FAA that parts have been distributed to equip approximately 53 sailplanes. Presuming that each set of parts is incorporated on an affected sailplane, the cost impact upon U.S. sailplane owners/operators is reduced by \$11,660 from \$36,740 to \$25,080.

In addition, the above figure is based only on the replacement cost; it does not take into account the cost of the load test. An owner/operator of an affected sailplane is allowed to accomplish this load test so the only cost involved is the time it takes the owner/operator to accomplish this test.

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 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:

97-08-02 **Schempp-Hirth K.G.:**

Amendment 39-9990; Docket No. 96-CE-19-AD.

Applicability: The following sailplane models and serial numbers, certificated in any category:

Models and Serial numbers:

Standard-Cirrus—all serial numbers.

Nimbus-2 and Nimbus-2B—all serial numbers.

Mini-Nimbus HS-7 and Mini-Nimbus B—serial numbers 1 to 159.

Discus a and Discus b—serial numbers 1 to 446.

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 (f) 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 as indicated in the body of this AD, unless already accomplished.

To prevent corrosion in the elevator caused by water entering the elevator control rod, which could result in elevator failure and subsequent loss of control of the sailplane, accomplish the following:

(a) Prior to further flight after the effective date of this AD, accomplish a load test of the elevator control system in accordance with Schempp-Hirth Technical Note No. 278-33, 286-28, 295-22, 328-10, 349-16, 360-9, 373-5, dated November 19, 1992, and the Appendix to this technical note.

Note 2: Sections 61.107 (d)(1) and 61.127 (d)(1) of the Federal Aviation Regulations (14 CFR 61.107 (d)(1) and 14 CFR 61.127 (d)(1)) give the authorization for glider/sailplane operators to disassemble and reassemble the elevator control system (for storage purposes between flights). The "prior to further flight after the effective date of this AD" compliance time in paragraph (a) of this AD was established to coincide with the next reassembly of the elevator control system.

(b) If any discrepancies are found during the load test required by paragraph (a) of this AD, prior to further flight, replace the elevator vertical actuating tube in accordance with Schempp-Hirth Technical Note No. 278-33, 286-28, 295-22, 328-10, 349-16, 360-9, 373-5, dated November 19, 1992, and the Appendix to this technical note.

(c) Within the next six calendar months after the effective date of this AD, unless already accomplished (performing the actions in paragraph (b) of this AD), replace the elevator vertical actuating tube in accordance with Schempp-Hirth Technical Note No. 278-33, 286-28, 295-22, 328-10, 349-16, 360-9, 373-5, dated November 19, 1992, and the Appendix to this technical note.

(d) The elevator control system load test as required by paragraph (a) of this AD may be performed by the sailplane 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 43.11 of the Federal Aviation Regulations (14 CFR 43.11).

(e) 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.

(f) An alternative method of compliance or adjustment of the compliance times 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be

obtained from the Small Airplane Directorate.

(g) The load test and replacement required by this AD shall be done in accordance with Schempp-Hirth Technical Note No. 278-33, 286-28, 295-22, 328-10, 349-16, 360-9, 373-5, dated November 19, 1992, and the Appendix to this technical note. 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, Kребенstrasse 25, Postfach 1443, D-73230 Kirchheim/Teck, Germany. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief 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.

(h) This amendment (39-9990) becomes effective on May 30, 1997.

Issued in Kansas City, Missouri, on April 1, 1997.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-8836 Filed 4-7-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-ASO-6]

Amendment of Class E2 Airspace; Brunswick Malcolm-McKinnon Airport, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment modifies the Class E2 airspace at Brunswick Malcolm-McKinnon Airport, GA from continuous to part time, as the required weather observations for Class E2 surface area airspace have been reduced from 24 to 16 hours a day. Therefore, the Class E2 airspace must be amended to reflect its part time status. During the times the Class E2 surface area airspace is not effective, the airspace below 700 feet AGL becomes Class G, uncontrolled airspace. A NOTAM establishing the effective days and times of this airspace will be issued. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

DATES: *Effective Date:* 0901 UTC, July 17, 1997. *Comment Date:* Comments must be received on or before May 19, 1997.