

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

**Cessna Aircraft Company:** Docket No. 97-CE-96-AD.

**Applicability:** Model 172R airplanes (serial numbers 17280004 through 17280016, 17280018 through 17280050, 17280052 through 17280058, 17280060 through 17280062, 17280064, 17280066 through 17280082, 17280085 through 17280099, 17280101 through 17280113, 17280115, 17280116, 17280118 through 17280125, 17280128 through 17280131, and 17280138), 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 (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:** Required within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent reduced structural rigidity at the lower forward doorpost bulkhead, which if not corrected could result in structural cracking and possible loss of control of the airplane, accomplish the following:

(a) Modify the lower forward doorpost of the affected airplanes by installing the specified rivets in accordance with Cessna Aircraft Company Service Bulletin (SB) No. SB97-53-02, dated September 15, 1997.

(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 airplane 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, Wichita Aircraft Certification Office, 1801 Airport Road, Rm. 100, Mid-Continent Airport, Wichita, Kansas, 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to The Cessna Aircraft Company, P. O. Box 7706, Wichita, Kansas 67277; or may examine this document 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 February 6, 1998.

**Michael Gallagher,**

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

[FR Doc. 98-3639 Filed 2-12-98; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 97-CE-134-AD]

RIN 2120-AA64

**Airworthiness Directives; Diamond Aircraft Industries GmbH Models H-36 "Dimona" and HK 36 R "Super Dimona" Sailplanes**

**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 Diamond Aircraft Industries GmbH (Diamond) Models H-36 "Dimona" and HK 36 R "Super Dimona" sailplanes. The proposed AD would require: inspecting the elevator rib area for damage on certain Models H-36 "Dimona" and HK 36 R "Super Dimona" sailplanes, and either immediately or eventually replacing the elevator ribs depending on the results of the inspection; replacing the M6 screws that attach the wheel axle to steel support with M8 screws on all of the affected airplanes; and inspecting the shoulder harness fittings for improper bonding on certain Diamond Model H-36 "Dimona" sailplanes, and repairing any harness with an improper bond. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Austria. The actions specified by the proposed AD are intended to prevent failure of either the shoulder harness fittings, elevator rib, or the wheel axle to steel support attachment, which could result in passenger injury caused by an inadequate restraint system; reduced sailplane controllability caused by structural damage to the elevator; and/or reduced sailplane controllability during takeoff, landing, and ground operations caused by the installation of incorrect wheel axle screws.

**DATES:** Comments must be received on or before March 17, 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-134-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 Diamond Aircraft Industries, G.m.b.H., N.A. Otto-Strabe 5, A-2700, Wiener Neustadt, Austria. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mike Kiesov, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, FAA, 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-134-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-134-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

#### Discussion

The Austro Control GmbH, which is the airworthiness authority for Austria, notified the FAA that unsafe conditions may exist on certain Diamond Models H-36 "Dimona", and HK 36 R "Super Dimona" sailplanes. The Austro Control GmbH reports the following:

—That a loose elevator rib on one of the above-referenced sailplanes was found during normal maintenance.

Diamond reported to the Austro Control GmbH that improper sealing of the elevator was the cause of the problem;

—That improper bolts may have been installed on the attachment of the wheel axle to steel support on certain Models H-36 "Dimona" and HK 36 R "Super Dimona" sailplanes; and

—That the shoulder harness fittings to the main bulkhead on three Model H-36 "Dimona" sailplanes were found damaged. An example of how these harnesses were damaged is through the impact experienced when the canopy is opened with force.

These conditions, if not corrected in a timely manner, could result in failure of either the shoulder harness fittings, elevator rib, or the wheel axle to steel support attachment. This could lead to passenger injury caused by an inadequate restraint system; reduced sailplane controllability caused by structural damage to the elevator; and/or reduced sailplane controllability during takeoff, landing, and ground operations caused by the installation of incorrect wheel axle screws.

#### Relevant Service Information

The following service information references and provides information related to the above-referenced conditions:

—Diamond Service Bulletin No. 51, dated March 30, 1996, which specifies inspecting the elevator rib area for damage on the Diamond Models H-36 "Dimona" and HK 36 R "Super Dimona" airplanes, and replacing the elevator ribs. Diamond Work Instruction No. 21, dated March 20, 1996, includes the procedures necessary to accomplish the above-referenced actions;

—Hoffman Service Bulletin No. 27, dated May 31, 1991, which specifies replacing the M6 screws that attach the wheel axle to steel support with M8 screws on the Diamond Models H-36 "Dimona" and HK 36 R "Super Dimona" airplanes. Hoffman Work Instruction No. 10, dated May 29, 1991, includes the procedures necessary to

accomplish the above-referenced actions; and

—Hoffman Service Bulletin 17, dated January 20, 1987, which specifies procedures for inspecting the shoulder harness fittings for improper bonding on certain Diamond Model H-36 "Dimona" sailplanes, and repairing any fittings with an improper bonding.

The Austro Control GmbH classified these service bulletins as mandatory and issued the following in order to assure the continued airworthiness of these airplanes in Austria: (1) Austrian AD No. 85, dated May 29, 1996, for the elevator condition; (2) Austrian AD No. 63, not dated, for the wheel axle screws condition; and (3) Austrian AD No. 54, not dated, for the shoulder harness fittings condition.

#### The FAA's Determination

This airplane model is manufactured in Austria and is 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. Pursuant to this bilateral airworthiness agreement, the Austro Control GmbH has kept the FAA informed of the situation described above.

The FAA has examined the findings of the Austro Control GmbH; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### Explanation of the Provisions of the Proposed AD

Since unsafe conditions have been identified that are likely to exist or develop in other Diamond Models H-36 "Dimona" and HK 36 R "Super Dimona" sailplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require inspecting the elevator rib area for damage on certain Models H-36 "Dimona" and HK 36 R "Super Dimona" sailplanes, and either immediately or eventually replacing the elevator ribs depending on the results of the inspection; replacing the M6 screws that attach the wheel axle to steel support with M8 screws on all of the affected airplanes; and inspecting the shoulder harness fittings for improper bonding on certain Diamond Model H-36 "Dimona" sailplanes, and repairing any harness with an improper bond. Accomplishment of the proposed modifications would be in accordance with the previously referenced service information.

#### Cost Impact

The FAA estimates that 15 sailplanes in the U.S. registry would be affected by the elevator portion of the proposed AD, that it would take approximately 10 workhours per sailplane to accomplish the elevator portion of the proposed AD, and that the average labor rate is approximately \$60 an hour. Kits cost approximately \$100 per sailplane. Based on these figures, the total cost impact of the elevator portion of the proposed AD on U.S. operators is estimated to be \$10,500, or \$700 per sailplane.

The FAA estimates that 2 sailplanes in the U.S. registry would be affected by the wheel axle screws portion of the proposed AD, that it would take approximately 6 workhours per sailplane to accomplish the wheel axle screws portion of the proposed AD, and that the average labor rate is approximately \$60 an hour. Kits cost approximately \$165 per sailplane. Based on these figures, the total cost impact of the wheel axle screws portion of the proposed AD on U.S. operators is estimated to be \$1,050, or \$525 per sailplane.

The FAA estimates that 8 sailplanes in the U.S. registry would be affected by the shoulder harness fittings portion of the proposed AD, that it would take approximately 6 workhours per sailplane to accomplish the shoulder harness fittings portion of the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$10 per sailplane. Based on these figures, the total cost impact of the shoulder harness fittings portion of the proposed AD on U.S. operators is estimated to be \$2,960, or \$370 per sailplane.

#### 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 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 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 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:

**Diamond Aircraft Industries GMBH:** Docket No. 97-CE-134-AD.

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

Model H-36 "Dimona" sailplanes, all serial numbers; and

Model H 36 R "Super Dimona" sailplanes, serial numbers 36301 through 36414.

**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 (e) 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 failure of either the shoulder harness fittings, elevator rib, or the wheel axle to steel support attachment, which could result in passenger injury caused by an inadequate restraint system; reduced sailplane controllability caused by structural damage to the elevator; and/or reduced sailplane controllability during takeoff, landing, and ground operations caused by the installation of incorrect wheel axle screws, accomplish the following:

(a) Within the next 3 calendar months after the effective date of this AD, accomplish the following:

(1) For the Model H-36 "Dimona" sailplanes, all serial numbers; and the Model HK 36 R "Super Dimona" sailplanes, serial numbers 36301 through 36414, inspect the elevator rib area for damage. Accomplish this inspection in accordance with Diamond Work Instruction No. 21, dated March 20, 1996, as referenced in Diamond Service Bulletin No. 51, dated March 30, 1996.

(2) For the Model H-36 "Dimona" sailplanes, all serial numbers; and the Model HK 36 R "Super Dimona" sailplanes, serial numbers 36301 through 36327, replace the M6 screws that attach the wheel axle to steel support with M8 screws. Accomplish this replacement in accordance with Hoffman Work Instruction No. 10, dated May 29, 1991, as referenced in Hoffman Service Bulletin No. 27, dated May 31, 1991.

(3) For the Model H-36 "Dimona" sailplanes, serial numbers 3501 through 3539 and 3601 through 36143, inspect the shoulder harness fittings for improper bonding. Accomplish this inspection in accordance with Hoffman Service Bulletin 17, dated January 20, 1987.

(b) Prior to further flight after the inspections required by paragraphs (a)(1) and (a)(3) of this AD, accomplish the following:

(1) If any damage is found in the elevator rib area on any sailplane affected by paragraph (a)(1) of this AD, replace the elevator ribs in accordance with Diamond Work Instruction No. 21, dated March 20, 1996, as referenced in Diamond Service Bulletin No. 51, dated March 30, 1996.

(2) If an improper bonding is found on the shoulder harness fittings on any sailplane affected by paragraph (a)(3) of this AD, repair the shoulder harness fittings in accordance with Hoffman Service Bulletin 17, dated January 20, 1987.

(c) For the Model H-36 "Dimona" sailplanes, all serial numbers; and the Model HK 36 R "Super Dimona" sailplanes, serial numbers 36301 through 36414, within the next 3,000 hours time-in-service (TIS) after the effective date of this AD, replace the elevator ribs, unless already accomplished as required by paragraph (b)(1) of this AD. Accomplish this replacement in accordance with Diamond Work Instruction No. 21, dated March 20, 1996, as referenced in Diamond Service Bulletin No. 51, dated March 30, 1996.

(d) 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.

(e) 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 2:** Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(f) Questions or technical information related to the service information referenced in this AD should be directed to Diamond Aircraft Industries, G.m.b.H., N.A. Otto-Strabe 5, A-2700, Wiener Neustadt, Austria. 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 Austrian AD No. 85, dated May 29, 1996, for the elevator condition; Austrian AD No. 63, not dated, for the wheel axle screws condition; and Austrian AD No. 54, not dated, for the shoulder harness fittings condition.

Issued in Kansas City, Missouri, on February 6, 1998.

**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. 98-AGL-3]

#### Proposed Modification of Class E Airspace; Athens, OH

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to modify Class E airspace at Athens, OH. An Instrument Landing System (ILS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 25, has been developed for Ohio University Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action proposes to increase the radius of and add a northeast extension to the existing controlled airspace.

**DATES:** Comments must be received on or before March 30, 1998.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL-7, Rules Docket No. 98-AGL-3, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air