

Proposed Rules

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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. 2004–CE–06–AD]

RIN 2120–AA64

Airworthiness Directives; DG Flugzeugbau GmbH, Model DG–500MB Sailplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain DG Flugzeugbau GmbH, Model DG–500MB sailplanes. This proposed AD would require you to replace the engine pylon extension/retraction Warner LA10 spindle drive with an improved designed Stross BSA 10 spindle drive and to modify the electrical system following applicable service information. This proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. We are issuing this proposed AD to prevent failure of the Warner LA10 spindle drive, which could result in the engine pylon not rising or lowering. This condition could cause an unstable engine pylon assembly during flight with loss of control of the sailplane.

DATES: We must receive any comments on this proposed AD by July 9, 2004.

ADDRESSES: Use one of the following to submit comments on this proposed AD:

- *By mail:* FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2004–CE–06–AD, 901 Locust, Room 506, Kansas City, Missouri 64106.

- *By fax:* (816) 329–3771.

- *By e-mail:* 9–ACE–7–Docket@faa.gov. Comments sent electronically must contain “Docket No. 2004–CE–06–AD” in the subject line. If

you send comments electronically as attached electronic files, the files must be formatted in Microsoft Word 97 for Windows or ASCII.

You may get the service information identified in this proposed AD from DG Flugzeugbau, Postbox 41 20, 76625 Bruchsal, Germany; telephone, 49 7257 890; fax, 49 7257 8922.

You may view the AD docket at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2004–CE–06–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Office hours are 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Gregory Davison, Aerospace Engineer, FAA, Small Airplane Directorate, ACE–112, Room 301, 901 Locust, Kansas City, Missouri 64106; telephone: 816–329–4130; facsimile: 816–329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

How Do I Comment on This Proposed AD?

We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include “AD Docket No. 2004–CE–06–AD” in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it. We will date-stamp your postcard and mail it back to you.

Are There Any Specific Portions of This Proposed AD I Should Pay Attention to?

We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. If you contact us through a nonwritten communication and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend this proposed AD in light of those comments and contacts.

Discussion

What Events Have Caused This Proposed AD?

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for

Germany, recently notified FAA that an unsafe condition may exist on DG Flugzeugbau GmbH, Model DG–500MB sailplanes, all serial numbers up to and including 5E220B15. The LBA reports two separate fatigue failures of the Warner LA10 spindle drive.

What Are the Consequences if the Condition Is Not Corrected?

Failure of the Warner LA10 spindle drive could result in the engine pylon not rising or lowering, which could cause an unstable engine pylon assembly during flight. Failure of the engine pylon assembly during flight could result in loss of control of the sailplane.

Is There Service Information That Applies to This Subject?

DG Flugzeugbau GmbH has issued Technical Note No. 843/18, issue 2, dated June 25, 2003.

What Are the Provisions of This Service Information?

The technical note includes procedures for installing the Stross BSA 10 spindle drive and modifying the electrical system.

What Action Did the LBA Take?

The LBA classified this service bulletin as mandatory and issued Germany AD Number 2003–409, dated December 9, 2003, to ensure the continued airworthiness of these sailplanes in Germany.

Did the LBA Inform the United States Under the Bilateral Airworthiness Agreement?

The DG Flugzeugbau Model DG–500MB is manufactured in Germany 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.

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

FAA’s Determination and Requirements of this Proposed AD

What Has FAA Decided?

We have examined the LBA’s findings, reviewed all available information, and determined that AD action is necessary for products of this

type design that are certificated for operation in the United States.

Since the unsafe condition described previously is likely to exist or develop on other DG Flugzeugbau Model DG-500MB sailplanes of the same type design that are registered in the United States, we are proposing AD action to prevent failure of the spindle drive, which could result in the engine pylon not rising or lowering and cause an unstable engine pylon assembly during flight.

What Would This Proposed AD Require?

This proposed AD would require you to replace the Warner LA10 spindle

drive with the Stross BSA 10 spindle drive and to modify the electrical system following Technical Note No. 843/18, issue 2, dated June 25, 2003.

How Does the Revision to 14 CFR Part 39 Affect This Proposed AD?

On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is

included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance

How Many Sailplanes Would This Proposed AD Impact?

We estimate that this proposed AD affects 4 sailplanes in the U.S. registry.

What Would be the Cost Impact of This Proposed AD on Owners/Operators of the Affected Sailplanes?

We estimate the following costs to accomplish the proposed replacement and modification that would be required.

Labor cost	Parts cost	Total cost per sailplane	Total cost on U.S. operators
12 work hours est. \$65 per hour = \$780	\$2,662	\$3,442	\$13,768

Regulatory Findings

Would This Proposed AD Impact Various Entities?

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.

Would This Proposed AD Involve a Significant Rule or Regulatory Action?

For the reasons discussed above, I certify that this proposed AD:

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 summary of the costs to comply with this proposed AD and

placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "AD Docket No. 2004-CE-06-AD" in your request.

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 Federal Aviation Administration 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 airworthiness directive (AD):

DG Flugzeugbau GmbH: Docket No. 2004-CE-06-AD.

When Is the Last Date I Can Submit Comments on This Proposed AD?

- (a) We must receive comments on this proposed airworthiness directive (AD) by July 9, 2004.

What Other ADs Are Affected by This Action?

- (b) None.

What Sailplanes Are Affected by This AD?

- (c) This AD affects the following sailplane models and serial numbers that are certificated in any category: DG Flugzeugbau Model DG-500MB, all serial numbers up to and including 5E220B15.

What Is the Unsafe Condition Presented in This AD?

- (d) This AD is the result of Warner LA10 spindle drive failure. The actions specified in this AD are intended to prevent failure of the Warner LA10 spindle drive, which could result in the engine pylon not rising or lowering. This condition could cause an unstable engine pylon assembly during flight with consequent loss of control of the sailplane.

What Must I Do To Address This Problem?

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

Actions	Compliance	Procedures
Replace the Warner LA10 spindle drive with the Stross BSA 10 spindle drive and make any necessary electrical modifications including installation of the voltage converter for the brake of the spindle drive.	Replace and modify within 25 hours time in service (TIS) after the effective date of this AD.	Follow the instructions in Technical Note No. 843/18 issue 2, dated June 25, 2003.

May I Request an Alternative Method of Compliance?

- (f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14

CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane

Directorate, FAA. For information on any already approved alternative methods of compliance, contact Gregory Davison, Aerospace Engineer, FAA, Small Airplane Directorate, ACE-112, Room 301, 901 Locust,

Kansas City, Missouri 64106; telephone: 816-329-4130; facsimile: 816-329-4090.

May I Get Copies of the Documents Referenced in This AD?

(g) You may get copies of the documents referenced in this AD from DG Flugzeugbau, Postbox 41 20, 76625 Bruchsal, Germany. You may view these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Is There Other Information That Relates to This Subject?

(h) LBA airworthiness directive 2003-409, dated December 9, 2003, and Technical Note No. 843/18, issue 2, dated June 25, 2003, also address the subject of this AD.

Issued in Kansas City, Missouri, on May 12, 2004.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04-11371 Filed 5-19-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003-NE-68-AD]

RIN 2120-AA64

Airworthiness Directives; Becker Flugfunkwerk GmbH AR 4201 VHF AM Transceivers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Becker Flugfunkwerk GmbH AR 4201 VHF AM transceivers. This proposed AD would require adding an aircraft flight manual (AFM) limitation to the Limitations Section of the AFM, and cockpit placard due to the intermittent malfunctioning of the transceiver, or removing the affected transceiver from service. This proposed AD results from reports of crewmembers having difficulty communicating with Air Traffic Control and other aircraft due to the AR 4201 VHF AM transceiver's inability to block interference from transmitters operating on frequencies other than those set in the transceiver. We are proposing this AD to prevent difficulty in communicating with Air Traffic Control and other aircraft due to intermittent malfunctioning of the transceiver.

DATES: We must receive any comments on this proposed AD by July 19, 2004.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD:

- By mail: Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003-NE-68-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

- By fax: (781) 238-7055.

- By e-mail: 9-ane-adcomment@faa.gov.

You may examine the AD docket at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT:

David Setser, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7173; fax (781) 238-7170.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. 2003-NE-68-AD" in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it; we will date-stamp your postcard and mail it back to you. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. If a person contacts us verbally, and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We are reviewing the writing style we currently use in regulatory documents. We are interested in your comments on whether the style of this document is clear, and your suggestions to improve the clarity of our communications that affect you. You may get more information about plain language at <http://www.faa.gov/language> and <http://www.plainlanguage.gov>.

Examining the AD Docket

You may examine the AD Docket (including any comments and service information), by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. See **ADDRESSES** for the location.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on Becker Flugfunkwerk GmbH AR 4201 VHF AM transceivers with certain serial numbers (SNs). The LBA advises that these transceivers incorrectly respond to strong signals and to interference from transmitters operating on frequencies other than those set in the transceiver. The incorrect response can create a potentially hazardous situation by causing interference with communications with ATC and with other aircraft. The LBA advises that if operators choose not to remove affected transceivers from service, then a limitation stating "Usage of Becker Comm Equipment AR 4201 is restricted to VFR operations", must be inserted into the AFM Limitations Section, and placarded in the cockpit. The LBA also advises that affected transceivers may be modified in accordance with Becker Flugfunkwerk GmbH Service Bulletin No. AR 4201-01/03, dated July 22, 2003, after which the owner or operator may remove the VFR-only placards and flight manual limitation.

Relevant Service Information

We have reviewed and approved the technical contents of Becker Flugfunkwerk GmbH Service Bulletin (SB) No. AR 4201-01/03; dated July 22, 2003. This SB identifies the serial numbers of transceivers affected and describes modifications to be done by the manufacturer to correct the transceiver problem. The LBA issued airworthiness directive 2003-234, dated August 21, 2003, in order to ensure the airworthiness of aircraft using these transceivers in Germany.

FAA's Determination and Requirements of the Proposed AD

These Becker Flugfunkwerk GmbH AR 4201 VHF AM transceivers, manufactured in Germany, are approved for use on airplanes that are type-certificated for operation in the United States under the provisions of section 21.617 of the Federal Aviation Regulations (14 CFR 21.617) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept us informed of the situation described above. We have examined the LBA's findings, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States. Therefore, we are proposing this AD,