

# 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. 2003-CE-60-AD]

RIN 2120-AA64

#### Airworthiness Directives; Glasflugel—Ing. E. Hanle Model GLASFLUGEL Kestrel 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 all Glasflugel—Ing. E. Hanle (Glasflugel) Model GLASFLUGEL Kestrel sailplanes. This proposed AD would require you to inspect the airbrake actuating shaft for deformation and cracks (hereon referred to as damage). If any damage is found, this proposed AD would also require you to repair or replace the airbrake actuation shaft. 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 detect and correct damage to the airbrake actuation shaft, which could result in failure of the airbrake control. This failure could lead to loss of control of the sailplane.

**DATES:** We must receive any comments on this proposed AD by March 4, 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. 2003-CE-60-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. 2003-CE-60-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 Hansjorg Streifeneder, Glasfaser-Flugzeug-Service GmbH, Hofener Weg, D-72582, Grabenstetten, Germany; telephone: 07382 1032; facsimile: 07382 1629; e-mail: *streifly@aol.com*.

You may view the AD docket at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2003-CE-60-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:** Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, 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. 2003-CE-60-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 all Glasflugel Model GLASFLUGEL

Kestrel sailplanes. The LBA reports that, on one of the affected sailplanes, the airbrakes would not completely open or close.

A visual inspection of that sailplane revealed cracks and deformity (damage) on the airbrake actuating shaft. Incorrect locking forces of the airbrake control caused the damage.

*What are the consequences if the condition is not corrected?* If not detected and corrected, damage to the airbrake actuating shaft could result in failure of airbrake control. This failure could lead to loss of control of the sailplane.

*Is there service information that applies to this subject?* H. Streifeneder has issued Technical Note TN 401-26, dated November 22, 2001.

*What are the provisions of this service information?* The service bulletin includes procedures for:

- Inspecting the airbrake actuation shaft for damage; and
- Repairing or replacing any damaged airbrake actuation shaft.

*What action did the LBA take?* The LBA classified this technical note as mandatory and issued German AD Number 2002-051, dated March 7, 2002, to ensure the continued airworthiness of these sailplanes in Germany.

*Did the LBA inform the United States under the bilateral airworthiness agreement?* These Glasflugel Model GLASFLUGEL Kestrel 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 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 Glasflugel Model GLASFLUGEL Kestrel sailplanes of the

same type design that are registered in the United States, we are proposing AD action to detect and correct damage to the airbrake actuating shaft, which could result in failure of airbrake control. This failure could lead to loss of control of the sailplane.

*What would this proposed AD require?* This proposed AD would require you to incorporate the actions in the previously-referenced service bulletin.

*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 16 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 this proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 workhour × \$65 per hour = \$65 .....	Not applicable .....	\$65	\$65 × 16 = \$1,040.

We estimate the following costs to accomplish any necessary repairs or replacements that would be required

based on the results of this proposed inspection. We have no way of determining the number of sailplanes

that may need this repair or replacement:

Labor cost	Parts cost	Total cost per airplane
5 workhours × \$65 per hour = \$325 .....	\$40	\$325 + \$40 = \$365.

### 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. 2003-CE-60-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):

**Glasflugel—Ing. E. Hanle:** Docket No. 2003-CE-60-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 March 4, 2004.

### What Other ADs Are Affected by This Action?

- (b) None.

### What Sailplanes Are Affected by This AD?

- (c) This AD affects Model GLASFLUGEL Kestrel sailplanes, all serial numbers, that are certificated in any category.

### What Is the Unsafe Condition Presented in This AD?

- (d) This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified in this AD are intended to detect and correct damage to the airbrake actuation shaft, which could result in failure of the airbrake control. This failure could lead to 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
(1) Inspect the airbrake actuation shaft for cracks and deformation (damage).	Within the next 25 hours time-in-service (TIS) after the effective date of this AD. Repetitively inspect thereafter at intervals not to exceed 12 calendar months.	Follow H. Streifeneder Technical Note TN 401-26, dated November 22, 2001.
(2) Repair or replace any cracked or deformed airbrake actuation shaft found during any inspection required in paragraph (e)(1) of the AD.	Before further flight after any inspection required in paragraph (e)(1) of this AD in which damage is found. Continue with repetitive inspections after repairs or replacements are made.	Follow H. Streifeneder Technical Note TN 401-26, dated November 22, 2001.

### 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 39.13. Send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, 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 Hansjorg Streifeneder, Glasfaser-Flugzeug-Service GmbH, Hofener Weg, D-72582 Grabenstetten, Germany; telephone: 07382 1032; facsimile: 07382 1629; e-mail: [streifly@aol.com](mailto:streifly@aol.com). 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) Germany AD Number 2002-051, dated March 7, 2002.

Issued in Kansas City, Missouri, on January 26, 2004.

**Dorenda D. Baker,**

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

[FR Doc. 04-2484 Filed 2-4-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2003-16707; Airspace Docket No. 2003-ANE-104]

### Proposed Establishment of Class E Airspace; Manchester, NH

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

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** This notice proposes the Establishment of a Class E airspace area at Manchester, NH (KMHT) to provide

for controlled airspace upward from the surface during the times when the air traffic controller tower at Manchester will be closed.

**DATES:** Comments must be received on or before April 5, 2004.

**ADDRESSES:** Send comments on the proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 2050-0001. You must identify the docket Number at the beginning of your comments, FAA-2003-16707/Airspace Docket 2003-ANE-104. You may also submit comments using the Internet at: <http://dms.dot.gov>. You may review the public docket in person in the Dockets Office between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays. The docket contains the proposal, any comments received, and any final disposition. The Docket Office (telephone 1-800-647-5527) is located on the plaza level of the Department of Transportation NASSIF Building at the same address.

You may examine an informal docket by appointment at the New England Region, Air Traffic Division, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7520.

#### FOR FURTHER INFORMATION CONTACT:

Angel Cases, Air Traffic Division, Airspace Branch, ANE-520, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7520; fax (781) 238-7596.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments. Comments that provide a factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal and determining whether additional rulemaking action is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal that might

suggest a need to modify the proposed rule. comments must identify both docket numbers and must be submitted to the address listed under **ADDRESSES**. If you want the FAA to acknowledge receipt of your comment then with your comment send a self-addressed, stamped postcard with the following statement: "Comments to Docket No. FAA-2003-16707, Airspace Docket No. 2003-ANE-104." We will date/time stamp the postcard and return it to you. We will consider all comments received on or before the closing date for comments, and may change the proposal in light of the comments we receive. All comments submitted are available for examination in the Rules Docket and on the Internet, both before and after the closing date for comments. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

#### Availability of NRPM'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, <http://www.faa.voc>, or the Superintendent of Document's Web page, <http://access.gpo.gov/nara>.

In addition, any person may obtain a copy of this NRPM by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Requests must contain both docket numbers for this notice. If you are interested in being placed on a mailing list for future NPRMs, you 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 procedures.

#### The Proposal

The FAA is proposing to establish a Class E airspace area extending upward from the surface at Manchester Airport,