

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

[Docket No. FAA-2005-22157; Directorate Identifier 2005-CE-44-AD]

RIN 2120-AA64

**Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Models DG-100 and DG-400 Sailplanes and DG Flugzeugbau GmbH Models DG-500 Elan Series and DG-500M 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 Glaser-Dirks Flugzeugbau GmbH Models DG-100 and DG-400 sailplanes and certain DG Flugzeugbau GmbH Models DG-500 Elan Series and DG-500M sailplanes. This proposed AD would require you to modify or replace the complete rudder mount assembly and ensure that the securing washer, castellated nut, and new split pins are installed. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. We are issuing this proposed AD to prevent the universal bearing of the lower rudder mounting from slipping out of the bearing support. The universal bearing slipping out could result in the rudder separating from its support. This failure could lead to loss of sailplane control during flight operations.

**DATES:** We must receive any comments on this proposed AD by November 9, 2005.

**ADDRESSES:** Use one of the following to submit comments 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 20590-001.

- **Fax:** 1-202-493-2251.

- **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.

To get the service information identified in this proposed AD, contact DG Flugzeugbau, Postbox 41 20, D-76625 Bruchsal, Federal Republic of Germany; telephone: 011-49 7257-890; facsimile: 011-49 7257-8922.

To view the comments to this proposed AD, go to <http://dms.dot.gov>. This is docket number FAA-2005-22157; Directorate Identifier 2005-CE-44-AD.

**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 the docket number, "FAA-2005-22157; Directorate Identifier 2005-CE-44-AD" at the beginning of your 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 with FAA personnel concerning this proposed rulemaking. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). This is docket number FAA-2005-22157; Directorate Identifier 2005-CE-44-AD. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://dms.dot.gov>.

*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.

**Docket Information**

*Where can I go to view the docket information?* You may view the AD

docket that contains the proposal, any comments received, and any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m. (eastern time), Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5227) is located on the plaza level of the Department of Transportation NASSIF Building at the street address stated in **ADDRESSES**. You may also view the AD docket on the Internet at <http://dms.dot.gov>. The comments will be available in the AD docket shortly after the DMS receives them.

**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 Glaser-Dirks Flugzeugbau GmbH Models DG-100 and DG-400 sailplanes and certain DG Flugzeugbau GmbH Models DG-500 Elan Series and DG-500M sailplanes. The LBA reports that on a Model DG-100 sailplane the universal bearing of the lower rudder mounting slipped out of the bearing support and the rudder fell out. Further, the LBA reports that this kind of failure may occur on other DG series sailplanes.

*What is the potential impact if FAA took no action?* The universal bearing slipping out could result in the rudder separating from its support. This failure could lead to loss of sailplane control during flight operations.

*Is there service information that applies to this subject?* DG Flugzeugbau has issued Technical Note No. 301/23 issue 2, 323/14 issue 2, 348/18 issue 2, 359/21 issue 2, 370/9 issue 2, 826/44 issue 2, 843/21 issue 2, 866/10 issue 2, dated June 11, 2004, amended July 7, 2004.

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

- Inspecting the outer bearing ring in the rudder mounting for correct installation;
- Modifying or replacing the complete rudder mounting assembly; and
- Ensuring that the securing washer, castellated nut, and new split pins are installed.

*What action did the LBA take?* The LBA classified this service bulletin as mandatory and issued German AD Number D-2004-348R1, dated September 16, 2004, to ensure the continued airworthiness of these sailplanes in Germany.

*Did the LBA inform the United States under the bilateral airworthiness agreement?* These Glaser-Dirks

Flugzeugbau GmbH Models DG-100 and DG-400 sailplanes and certain DG Flugzeugbau GmbH Models DG-500 Elan Series and DG-500M 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 Glaser-Dirks Flugzeugbau GmbH Models DG-100 and DG-400 sailplanes and certain DG Flugzeugbau GmbH Models DG-500 Elan Series and DG-500M sailplanes of the same type design that are registered in the United States, we are proposing AD action to prevent the universal bearing of the lower rudder mounting slipping out of the bearing support. The universal bearing slipping out could result in the rudder separating from its support. This failure could lead to loss of sailplane control during flight operations.

*What would this proposed AD require?* This proposed AD would require you to modify or replace the complete rudder mount assembly and ensure that the securing washer, castellated nut, and new split pins are installed.

*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 75 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 do this proposed replacement of the complete rudder mount assembly. We have no way of determining the number of sailplanes that may need this replacement:

Labor cost	Parts cost	Total cost per sailplane
2 work hours × \$65 = \$130 .....	\$265	\$395

We estimate the following costs to do this proposed modification of the

complete rudder mount assembly. We have no way of determining the number

of sailplanes that may need this modification:

Labor cost	Parts cost	Total cost per sailplane
3 work hours × \$65 = \$195 .....	Not Applicable .....	\$195

#### Authority for This Rulemaking

*What authority does FAA have for issuing this rulemaking action?* 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 AD.

#### 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

other information as included in the Regulatory Evaluation) 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 FAA-2005-22157; Directorate Identifier 2005-CE-44-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 and Glaser-Dirks Flugzeugbau GmbH:** Docket No. FAA–

2005–22157; Directorate Identifier 2005–CE–44–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 November 9, 2005.

**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:

Model	Serial numbers
DG–100 .....	All Serial Numbers.
DG–400 .....	All Serial Numbers.
DG–500 Elan Series .....	All Serial Numbers Through 5E23.
DG–500M .....	All Serial Numbers Through 5E23.

**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 prevent the universal bearing of the lower rudder mounting from slipping out of the bearing support. The universal bearing slipping out could result in the rudder separating from its support. This

failure could lead to loss of sailplane control during flight operations.

**What Must I Do To Address This Problem?**

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

Actions	Compliance	Procedures
(1) Modify or replace the complete rudder mounting assembly.	Within the next 25 hours time-in-service (TIS) after the effective date of this AD, unless already done.	Follow DG Flugzeugbau GmbH Technical Note No. 301/23 issue 2, 323/14 issue 2, 348/18 issue 2, 359/21 issue 2, 370/9 issue 2, 826/44 issue 2, 843/21 issue 2, 866/10 issue 2, dated June 11, 2004, amended July 7, 2004
(2) Ensure that the securing washer, castellated nut, and split pins are installed as specified by the DG Flugzeugbau GmbH Technical Note No. 301/23 issue 2, 323/14 issue 2, 348/18 issue 2, 359/21 issue 2, 370/9 issue 2, 826/44 issue 2, 843/21 issue 2, 866/10 issue 2, dated June 11, 2004, amended July 7, 2004.	Before further flight after the modification or replacement of the complete rudder mounting assembly required by paragraph (e)(1) of this AD.	Follow DG Flugzeugbau GmbH Technical Note No. 301/23 issue 2, 323/14 issue 2, 348/18 issue 2, 359/21 issue 2, 370/9 issue 2, 826/44 issue 2, 843/21 issue 2, 866/10 issue 2, dated June 11, 2004, amended July 7, 2004.

**Note:** Until the actions of this AD are done, the FAA strongly recommends that an FAA-certified mechanic perform a daily pre-flight inspection to check the position of the outer bearing ring following the requirements of DG Flugzeugbau GmbH Technical Note No. 301/23 issue 2, 323/14 issue 2, 348/18 issue 2, 359/21 issue 2, 370/9 issue 2, 826/44 issue 2, 843/21 issue 2, 866/10 issue 2, dated June 11, 2004, amended July 7, 2004. If the bearing is displaced, we recommend that you discontinue flight operations until you modify or replace the complete rudder mount assembly and ensure that the securing washer, castellated nut, and new split pins are installed.

**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.

**Is There Other Information That Relates to This Subject?**

(g) German AD Number D–2004–348R1, dated September 16, 2004, also addresses the subject of this AD.

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

(h) To get copies of the documents referenced in this AD, contact DG Flugzeugbau, Postbox 41 20, D–76625 Bruchsal, Federal Republic of Germany; telephone: 011–49 7257–890; facsimile: 011–49 7257–8922. 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>. This is docket number FAA–2005–22157; Directorate Identifier 2005–CE–44–AD.

Issued in Kansas City, Missouri, on September 28, 2005.

**David R. Showers,**

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

[FR Doc. 05–19935 Filed 10–4–05; 8:45 am]

**BILLING CODE 4910–13–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[R06–OAR–2005–TX–0023; FRL–7981–3]

**Approval and Promulgation of Air Quality Implementation Plans; Texas; Emissions Banking and Trading Revisions for the Mass Emissions Cap and Trade Program for the Houston/Galveston/Brazoria Ozone Nonattainment Area**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Texas State Implementation Plan (SIP) concerning the Mass Emissions Cap and Trade (MECT) program for emissions of nitrogen oxides (NO<sub>x</sub>) in the Houston/Galveston/Brazoria (HGB) ozone nonattainment area. Additionally, EPA is proposing approval of several subsections of Chapter 116 of the Texas Administrative Code (TAC) (Control of Air Pollution by Permits for New