

on other Stemme GmbH & Co. KG Model STEMME S10-VT sailplanes of the same type design that are registered in the United States, this AD is being issued to prevent the potential for the lower cog wheel in the gear box to rupture, which could result in loss of power and possible loss of control of the sailplane.

#### *What Does This AD Require?*

This AD requires you to incorporate restrictions into the Limitations Section of the flight manual and incorporate a placard close to the throttle lever indicating these restrictions. These restrictions and the placard are referenced in Stemme Service Bulletin A31-10-065, Am.-Index: 02a, dated February 25, 2003.

In preparation of this rule, we contacted type clubs and aircraft operators to obtain technical information and information on operational and economic impacts. We did not receive any information through these contacts. If received, we would have included, in the rulemaking docket, a discussion of any information that may have influenced this action.

#### *Why Is the FAA Not Mandating the Cog Wheel Replacement?*

We are not mandating the cog wheel replacement (as specified in the service information) in this AD action because of the "bootstrapping requirement." When we issue an AD that involves requirements affecting flight safety where we do not first provide notice and an opportunity for public comment, then we are only able to include a short-term action that immediately corrects the unsafe condition. The Administrative Procedures Act does not permit combining a long-term requirement with a short-term action when we do not provide prior public comment. We analyze the short-term action and the long-term action separately for justification to bypass public notice.

The FAA may initiate future AD action with public comment to mandate the cog wheel replacement as terminating action for the AFM requirements of this AD. This cog wheel replacement is optional in this AD as terminating action.

#### *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.

#### **Comments Invited**

##### *Will I Have the Opportunity To Comment Prior to the Issuance of the Rule?*

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. 2003-CE-36-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 rule that might suggest a need to modify it. If a person contacts us through a nonwritten communication, and that contact relates to a substantive part of this 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 AD in light of those comments.

#### **Regulatory Findings**

##### *Will This AD Impact Various Entities?*

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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.

##### *Will This AD involve a significant rule or regulatory action?*

For the reasons discussed above, I certify that this 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 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-36-AD" in your request.

#### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### **Adoption of the Amendment**

■ Accordingly, under 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 U.S.C. 106(g), 40113, 44701.

##### **§ 39.13 [Amended]**

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**2003-20-09 Stemme GmbH & Co. KG:**  
Amendment 39-13327; Docket No. 2003-CE-36-AD.

##### **When Does This AD Become Effective?**

(a) This AD becomes effective on October 20, 2003.

##### **Are Any Other ADs Affected by This Action?**

(b) None.

##### **What Sailplanes Are Affected by This AD?**

(c) This AD affects all Model STEMME S10-VT sailplanes that:

- (1) Incorporate a part number (P/N) 11AG gear box (serial numbers 43YYQ001 through 43YYQ093); and
- (2) 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. We are issuing this AD to prevent the potential for the lower cog wheel in the gear box to rupture, which could result in loss of power and possible loss of control of the sailplane.

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

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