[Federal Register: May 14, 2003 (Volume 68, Number 93)]
[Rules and Regulations]
[Page 25811-25814]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr14my03-1]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93-CE-37-AD; Amendment 39-13147; AD 94-20-04 R2]

RIN 2120-AA64

Airworthiness Directives; Raytheon Aircraft Company Beech Models C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, and V35B Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 94-20-04 R1, which currently requires ruddervator inspections and modifications on certain Raytheon Aircraft Company (Raytheon) Beech Models C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, and V35B airplanes. This AD maintains the actions of AD 94-20-04 R1, but makes the repetitive visual inspection of the empennage, aft fuselage, and ruddervator control system with any subsequent repair and the setting of the elevator controls, rudder and tab system controls, cable tensions, and rigging a one time action; and adds repetitive inspections of the fuselage bulkheads that were required by AD 94-20-04. This AD is the result of the need to add a repetitive inspection of the fuselage bulkheads and change other inspections from a repetitive to a one-time action. The actions specified by this AD are intended to prevent structural failure of the V-tail, which could result in loss of control of the airplane.

DATES: This AD becomes effective on June 27, 2003.

The Director of the Federal Register previously approved the incorporation by reference of certain publications listed in the regulations as of November 28, 1994 (59 FR 49785, September 30, 1994).

ADDRESSES: You may get the service information referenced in this AD from Raytheon Aircraft Company, PO Box 85, Wichita, Kansas 67201-0085; telephone: (800) 625-7043 or (316) 676-4556. You may view this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 93-CE-37-AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. T.N. Baktha, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4155; facsimile: (316) 946-4107.

SUPPLEMENTARY INFORMATION:

Discussion

Has FAA taken any related action on the Raytheon airplane ruddervator system to this point? On October 15, 2002, FAA issued AD 94-20-04 R1, Amendment 39-12919 (67 FR 64794, October 22, 2002), to require ruddervator inspections and modifications on certain Raytheon Aircraft Company (Raytheon) Beech Models C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, and V35B airplanes.

The intent of this AD was to maintain the inspection and modification requirements of AD 94-20-04, Amendment 39-9032 (59 FR 49785, September 30, 1994), but condense and clarify the information presented in AD 94-20-04.

What has happened since AD 94-20-04 R1 to initiate this action? Comments from the public since issuance of AD 94-20-04 R1 indicate a need for a revision to that AD. Specifically, the visual inspection of the empennage, aft fuselage, and ruddervator control system with any subsequent repair and the setting of the elevator controls, rudder and tab system controls, cable tensions, and rigging should all be a one time action. Currently, they are to be accomplished repetitively at 100-hour time-in-service (TIS) intervals.

In addition, we inadvertently did not include the 100-hour TIS interval repetitive inspections of the fuselage bulkheads that were required by AD 94-20-04.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD and incorporate the above-referenced comments. This proposal was published in the Federal Register as a notice of proposed rulemaking (NPRM) on January 27, 2003 (68 FR 3829). The NPRM proposed to:

–maintain the actions of AD 94-20-04 R1, but would make the repetitive visual inspection of the empennage, aft fuselage, and ruddervator control system with any subsequent repair and the setting of the elevator controls, rudder and tab system controls, cable tensions, and rigging a one time action; and

–add repetitive inspections of the fuselage bulkheads that were required by AD 94-20-04.

What is the potential impact if FAA took no action? This condition, if not corrected, could result in structural failure of the V-tail. Such failure could result in loss of control of the airplane.

Was the public invited to comment? The FAA encouraged interested persons to participate in the making of this amendment. The following presents the comments received on the proposal and FAA's response to each comment:

Comment Issue No. 1: Provide Credit for Previously Accomplished Actions

What is the commenter's concern? A commenter points out that FAA left off the phrase "unless already accomplished" for the initial actions of the proposed AD. The commenter believes that this phrase should be added based on FAA's inclusion of the phrase in other ADs.

What is FAA's response to the concern? We concur that this phrase should be added to the initial actions of the proposed AD. We are changing the final rule AD action accordingly.

Comment Issue No. 2: The Inspection of the Empennage, Aft Fuselage, and Ruddervator Control System Should Be Repetitive

What is the commenter's concern? Raytheon recommends that the repetitive inspections of the empennage, aft fuselage, and ruddervator control system continue. This would include the setting of

the elevator controls, rudder and tab system controls, cable tensions, and rigging. Raytheon states that "these items can change with wear and usage and need to be maintained at specification to prevent unsafe conditions from developing."

What is FAA's response to the concern? The FAA does not concur. The intent of AD 94-20-04 R1 was to maintain the actions of AD 94-20-04 on the affected airplanes. The inspections of the empennage, aft fuselage, and ruddervator control system were a one-time action in AD 90-20-04. We inadvertently made them repetitive in AD 90-20-04 R1. This action will incorporate FAA's intent. We will continue to monitor the service history of these airplanes. If necessary, we will initiate future rulemaking to address this subject.

We are not changing the final rule AD action based on this comment.

FAA's Determination

What is FAA's final determination on this issue? We carefully reviewed all available information related to the subject presented above and determined that air safety and the public interest require the adoption of the rule as proposed except for the changes discussed above and minor editorial corrections. We have determined that these changes and minor corrections:

–provide the intent that was proposed in the NPRM for correcting the unsafe condition; and

–do not add any additional burden upon the public than was already proposed in the NPRM.

Cost Impact

How many airplanes does this AD impact? We estimate that this AD affects 10,200 airplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the initial inspections:

Labor cost	Parts cost	Total cost on U.S. operators	Total cost per airplane
40 workhours at $60 per hour = $2,400	Not Applicable	$2,400 per airplane	$24,480,000.

These cost figures are exactly the same as what is currently required by AD 94-20-04 R1. Although we are adding the inspection of the fuselage bulkheads to this AD, we had already incorporated the costs of this inspection into the Cost Impact of AD 94-20-04 R1. Therefore, this AD presents no new costs upon the public.

The above figures are based only on the initial inspections and do not take into account the cost of repetitive inspections or adjustments, repairs, or replacements that may be necessary based on the results of the inspections. We have no way of determining the number of repetitive inspections each owner/operator of the affected airplanes will incur or what adjustments, repairs, or replacements may be necessary based on the results of the inspections.

Regulatory Impact

Does this AD impact various entities? The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

Does this AD involve a significant rule or regulatory action? 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) 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 final evaluation prepared for this action is contained 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, 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. FAA amends § 39.13 by removing Airworthiness Directive 94-20-04 R1, Amendment 39-12919 (67 FR 64794, October 22, 2002), and by adding a new AD to read as follows:

AIRWORTHINESS DIRECTIVE

Aircraft Certification Service
Washington, DC

U.S. Department
of Transportation
**Federal Aviation
Administration**

We post ADs on the internet at "www.faa.gov"

The following Airworthiness Directive issued by the Federal Aviation Administration in accordance with the provisions of Title 14 of the Code of Federal Regulations (14 CFR) part 39, applies to an aircraft model of which our records indicate you may be the registered owner. Airworthiness Directives affect aviation safety and are regulations which require immediate attention. You are cautioned that no person may operate an aircraft to which an Airworthiness Directive applies, except in accordance with the requirements of the Airworthiness Directive (reference 14 CFR part 39, subpart 39.3).

REVISION

94-20-04 R2 Raytheon Aircraft Company (Beech Aircraft Corporation formerly held Type Certificate (TC) No. A-777 and TC No. 3A15): Amendment 39-13147; Docket No. 93-CE-37-AD; Revises AD 94-20-04 R1, Amendment 39-12919, which revised AD 94-20-04, Amendment 39-9032.

(a) *What airplanes are affected by this AD?* This AD affects the following airplanes that are certificated in any category:

(1) Beech Models C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, and P35 airplanes, all serial numbers; and

(2) Beech Models S35, V35, V35A, and V35B airplanes, all serial numbers, that do not have the straight tail conversion modification incorporated in accordance with Supplemental Type Certificate (STC) SA2149CE.

Note 1: Beech Models 35, 35R, A35, B35 airplanes were included in the Applicability of AD 94-20-04. We have removed Beech Models 35, 35R, A35, and B35 airplanes from the Applicability section of this AD and incorporated the actions applicable to these airplanes into another AD action. Part of this other AD action is the incorporation of Raytheon Service Raytheon Service Bulletin 27-3358.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the airplanes identified in paragraphs (a)(1) and (a)(2) of this AD must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent structural failure of the V-tail, which could result in loss of control of the airplane.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Verify that the ruddervator balance is within the manufacturer's specified limits as defined in the applicable shop or maintenance manual. If the ruddervator is outside the specified limits, balance the ruddervator control surfaces.	Accomplish the verification within the next 100 hours time-in-service (TIS) after November 28, 1994 (the effective the date of AD 94– 20–04), unless already accomplished, and thereafter prior to further flight after the ruddervators are repaired or repainted (even if the stripes are added or paint is touched up). Accomplish the balancing prior to further flight after the ruddervator is found outside the specified limits.	Verify in accordance with the applicable shop or maintenance manual. Balance the ruddervator control surfaces in accordance with Section 3 of Beech Shop Manual 35– 590096B19, or subsequent revisions.
(2) Visually inspect the empennage, aft fuselage, and ruddervator control system for damage. (i) Repair or replace any damaged parts; and (ii) Set the elevator controls, rudder and tab system controls, cable tensions, and rigging.	Inspect and set the controls, tension, and rigging within the next 100 hours TIS after November 28, 1994 (the effective date of AD 94–20–04), unless already accomplished. Accomplish any repairs and replacements prior to further flight after the inspection.	In accordance with the procedures and as specified in the instructions Beech Kit 35– 4017–1 ''Kit Information Empennage and Aft Fuelsage Inspection'', as specified in Beech Service Bulletin No. 2188, dated May, 1987.
(3) Accomplish the following actions: (i) Visually inspect the fuselage bulkheads at Fuselage Station (FS) 256.9 and FS 272 for damage (cracks, distortion, loose rivets, etc.); (ii) Visually inspect the fuselage skin around the bulkhead for damage (wrinkles or cracks); and (iii) Repair or replace damaged parts.	Initially inspect within the next 100 hours TIS after June 27, 2003 (the effective date of this AD). Repetitively inspect thereafter at intervals not to exceed 100 hours TIS. Repair or replace prior to further flight after the inspection where damage is found.	In accordance with the procedures in the instructions to Beech Kit 35–4017–1 ''Kit Information Empennage & Aft Fuselage Inspection'', as specified in Beech SB 2188, dated May 1987.

(4) Remove all external stabilizer reinforcements installed during the incorporation of either Supplemental Type Certificate (STC) SA845GL, STC SA846GL, STC SA1650CE, STC SA2286NM, or STC SA2287NM, as applicable. (i) Seal or fill any residual holes accomplished. with appropriate size rivets. (ii) The internal stub spar incorporated through STC SA1649CE and STC SA1650CE may be retained. (iii) The external angles incorporated through STC SA1649CE may also be retained by properly trimming the leading edges section to permit installation of the stabilizer reinforcement referenced in paragraph (d)(5)(i) of this AD. (iv) For the Beech Models S35, V35, V35A, and V35B airplanes, you may retain and use the tail-safe external angles that were installed in accordance with STC SA1649CE instead of the stabilizer reinforcement specified in paragraph (d)(5)(i) of this AD.	Within the next 100 hours TIS after November 28, 1994 (the effective date of AD 94–20– 04), unless already accomplished.	In accordance with the applicable maintenance information.
(5) Accomplish the following: (i) Install stabilizer reinforcements; (ii) Set the elevator nose-down trim; and (iii) Replace the ruddervator tab control cables with larger diameter cables.	Within the next 100 hours TIS after November 28, 1994 (the effective date of AD 94–20– 04), unless already accomplished.	In accordance with the instructions to RAC Kit Nos. 35–4016–3, 35–4016–5, 35–4016–7, or 35–4016–9, as applicable and as specified in Beech SB No. 2188, dated May, 1987.
(6) Verify the accuracy of the airplane basic weight and balance information and correct any discrepancies.	Accomplish the airplane basic weight and balance accuracy verification within the next 100 hours TIS after November 28, 1994 (the effective date of AD 94–20–04), unless already accomplished. Correct any discrepancies prior to further flight after the verification.	Use the procedures contained in the Appendix to this AD.

(e) *Can I comply with this AD in any other way?*

(1) You may use an alternative method of compliance or adjust the compliance time if:

(i) Your alternative method of compliance provides an equivalent level of safety; and

(ii) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

(2) Alternative methods of compliance approved in accordance with AD 94-20-04 R1 or AD 94-20-04 are approved as alternative methods of compliance with this AD.

Note 2: This AD applies to each airplane identified in paragraphs (a)(1) and (a)(2) of this AD, 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 (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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Mr. T.N. Baktha, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4155; facsimile: (316) 946-4107.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference? Actions* required by this AD must be done in accordance with Beech Kit Nos. 35-4016-3, 35-4016-5, 35-4016-7, or 35-4016-9, and the instructions to Beech Kit 35-4017-1 "Kit Information Empennage & Aft Fuselage Inspection", as applicable and specified in Beech Service Bulletin No. 2188, dated May 1987. The Director of the Federal Register previously approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51 as of November 28, 1994 (59 FR 49785, September 30, 1994). You may get copies from Raytheon Aircraft Company, PO Box 85, Wichita, Kansas 67201-0085. You may view copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *Does this AD action affect any existing AD actions?* This amendment revises AD 94-20-04 R1, Amendment 39-12919.

Appendix to AD 94-20-04 R2

Weight and Balance Accuracy Method No. 1

1. Review existing weight and balance documentation to assure completeness and accuracy of the documentation from the most recent FAA-approved weighing or from factory delivery to date of compliance with this AD.

2. Compare the actual configuration of the airplane to the configuration described in the weight and balance documentation.

3. If equipment additions or deletions are not reflected in the documentation or if modifications affecting the location of the center of gravity (e.g., paint or structural repairs) are not documented, determine the accuracy of the airplane weight and balance data in accordance with Method No. 2.

Weight and Balance Information Accuracy Method No. 2

1. Determine the basic empty weight and center of gravity (CG) of the empty airplane using the Weighing Instructions in the Weight and Balance section of the airplane flight manual/pilot's operating handbook (AFM/POH).

2. Record the results in the airplane records, and use these new values as the basis for computing the weight and CG information as specified in the Weight and Balances section of the AFM/POH.

(j) *When does this amendment become effective?* This amendment becomes effective on June 27, 2003.

Issued in Kansas City, Missouri, on May 8, 2003.
David R. Showers,
Acting Manager, Small Airplane Directorate, Aircraft Certification Service.
[FR Doc. 03-11977 Filed 5-13-03; 8:45 am]
BILLING CODE 4910-13-P