

provides an equivalent level of safety may be approved by the Manager, FAA, Aircraft Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

(e) All persons affected by this directive may obtain copies of the maintenance manual revision referred to herein upon request to Air Tractor Inc., P. O. Box 485, Olney, Texas 76374; or may examine this information at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on October 10, 1996.

Marvin R. Nuss,

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

[FR Doc. 96-26700 Filed 10-17-96; 8:45 am]

BILLING CODE 4910-13-U

## 14 CFR Part 39

[Docket No. 96-CE-44-AD]

RIN 2120-AA64

### **Airworthiness Directives; Raytheon Aircraft Corporation (Formerly Beech Aircraft Corporation) 35 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Raytheon Aircraft Corporation (Raytheon) 35 series airplanes. The proposed action would require inspecting the ruddervator differential tail control rod assembly for corrosion or cracks, repairing or replacing any cracked or corroded part, and applying anti-corrosion sealant to the ruddervator control pushrods. The proposed action results from a split in the ruddervator control push rod on an affected airplane that was found during a routine inspection. The split occurred when water froze in the internal area of the control push rod and then expanded. The actions specified by the proposed AD are intended to prevent failure of the differential tail control rod assembly, which could result in loss of control of the airplane.

**DATES:** Comments must be received on or before December 20, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-44-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from the Raytheon Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry Engler, Aerospace Safety Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4122; facsimile (316) 946-4407.

### **SUPPLEMENTARY INFORMATION:**

#### **Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 96-CE-44-AD." The postcard will be date stamped and returned to the commenter.

#### **Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention:

Rules Docket No. 96-CE-44-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

#### **Discussion**

The FAA has received a report of the ruddervator control pushrod splitting on a Raytheon 35 series airplane; specifically a 3/4-inch longitudinal split was found in the left ruddervator control pushrod. The splitting is attributed to water freezing in the internal area of the control push rod.

The design of the ruddervator differential tail control rod assembly is that the two rods have a hollow shaft that is open at both ends and extends through the length of the rod. Moisture laden air is entering the rod assembly through these hollow shafts and then condenses in the rod assembly tube. When the moisture accumulates, it freezes in cold weather, expands, and causes the ruddervator control pushrod to split. This condition could lead to failure of the ruddervator differential tail control rod assembly and subsequent loss of control of the airplane.

#### **Applicable Service Information**

Raytheon has issued Service Bulletin (SB) No. 2668, dated September 1996, which specifies procedures for inspecting the ruddervator differential tail control rod assembly, and repairing or replacing any cracked part. Raytheon SB No. 2668 also specifies procedures for applying an anti-corrosion sealant to the ruddervator control pushrods. This service bulletin applies to certain serial numbers (D-1 through D10403, D-15001, and D-15002) of the following models of Raytheon 35 series airplanes:

35	35R	A35	B35
C35	D35	E35	F35
G35	H35	J35	K35
M35	N35	P35	S35
V35	V35-TC	V35A	V35A-TC
V35B	V35B-TC		

#### **The FAA's Determination**

After examining the circumstances and reviewing all available information related to the incidents described above, including the referenced service information, the FAA has determined that AD action should be taken to prevent failure of the ruddervator differential tail control rod assembly, which could result in loss of control of the airplane.

#### **Explanation of the Provisions of the Proposed AD**

Since an unsafe condition has been identified that is likely to exist or develop in other Raytheon 35 series

airplanes of the same type design, the proposed AD would require inspecting the ruddervator differential tail control rod assembly for corrosion or cracks, repairing or replacing any cracked or corroded part, and applying corrosion sealant to the ruddervator control pushrods. Accomplishment of the proposed actions would be in accordance with Raytheon SB No. 2668, dated September 1996.

#### Cost Impact

The FAA estimates that 10,405 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 4 workhours per airplane to accomplish the proposed inspection and anti-corrosion sealant application, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$2,497,200. This figure is based on the assumption that none of the affected airplanes would have a corroded or cracked part in the ruddervator differential tail control rod assembly that would need to be repaired or replaced. The FAA has no way of determining how many ruddervator control push rods that would be corroded or cracked.

#### Regulatory Impact

The regulations proposed herein would not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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) if promulgated, 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 draft regulatory evaluation prepared for this action has been placed 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, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Raytheon Aircraft Corporation (formerly Beech Aircraft Corporation): Docket No. 96-CE-44-AD.

*Applicability:* Models 35, 35R, A35, B35, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35TC, V35A, V35A-TC, V35B, and V35B-TC airplanes (serial numbers D-1 through D-10403, D-15001, and D-15002), certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, 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 (d) 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 the unsafe condition has not been eliminated, the request should include specific proposed actions to address it. Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent failure of the ruddervator differential tail control rod assembly, which could result in loss of control of the airplane, accomplish the following:

(a) Inspect the ruddervator differential tail control rod assembly for cracks and corrosion in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Raytheon Service Bulletin (SB) No. 2668, dated September 1996. Prior to further flight, repair or replace any corroded or cracked part as specified in and in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Raytheon SB No. 2668, dated September 1996.

(b) Apply anti-corrosion sealant to the ruddervator control pushrods in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Raytheon SB No. 2668, dated September 1996.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Raytheon Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on October 10, 1996.

Marvin R. Nuss,

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

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#### DEPARTMENT OF THE INTERIOR

#### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 935

[OH-240-FOR, #74]

#### Ohio Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Ohio regulatory program (hereinafter referred to as the "Ohio program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to section 1501:13-6-03 of the Ohio Administrative Code (OAC) dealing with the Small Operator Assistance Program (SOAP). The amendment is intended to revise the Ohio program to be consistent with the corresponding Federal regulations.

**DATES:** Written comments must be received by 4:00 p.m., [E.D.T.] November 18, 1996.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to George