14 CFR Part 39

[Docket No. 96–CE–44–AD; Amendment 39–9968; AD 97–06–11]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) 35 series airplanes (formerly referred to as Beech 35 series airplanes). This action requires 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. This action results from a report of 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 this AD are intended to prevent failure of the differential tail control rod assembly, which could result in loss of control of the airplane.

DATES: Effective May 16, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 16, 1997.

ADDRESSES: Service information that applies to this AD may be obtained from the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be examined at 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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:

Events Leading to the Issuance of the This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Raytheon 35 series airplanes (formerly referred to as Beech 35 series airplanes) was published in the Federal Register as a notice of proposed rulemaking (NPRM) on October 18, 1996 (61 FR 54372). The NPRM proposed to 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. Accomplishment of the proposed actions as specified in the NPRM would be in accordance with Raytheon Mandatory Service Bulletin (MSB) No. 2668, Issued: September, 1996.

The NPRM was the result of a report of 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.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed AD or the FAA's determination of the cost to the public.

Raytheon has revised MSB No. 2668 to clarify certain steps contained in the ACCOMPLISHMENT INSTRUCTIONS section. The FAA has determined that the AD could be accomplished in accordance with either Raytheon MSB No. 2668, Revised December, 1996; or Raytheon MSB No. 2668, Issued: September, 1996, and has incorporated this service bulletin revision into the final rule.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the AD as proposed except for the incorporation of the revised service information and minor editorial corrections. The FAA has determined that this incorporation and the minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 10,405 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 4 workhours per airplane to accomplish the required action, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,497,200. This figure is based on the presumption that no affected airplane will have a corroded or cracked part in the ruddervator differential tail control rod assembly that will need to be repaired or replaced. The FAA has no way of determining how many ruddervator control push rods that will be corroded or cracked.

Regulatory Impact

The regulations adopted herein will 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 final rule does 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) 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, pursuant to 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 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

97–06–11 Raytheon Aircraft Company (formerly Beech Aircraft Corporation): Amendment 39–9968; 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 Mandatory Service Bulletin (MSB) No. 2668, Revised: December, 1996; or Raytheon MSB No. 2668, Issued: September, 1996. Prior to further flight, repair or replace any corroded or cracked part as specified in and in accordance with the service information referenced above.

(b) Apply anti-corrosion sealant to the ruddervator control pushrods in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Raytheon MSB No. 2668, Revised: December, 1996; or Raytheon MSB No. 2668, Issued: 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) The inspection, repair or replacement (if necessary), and application required by this AD shall be done in accordance with either Raytheon Mandatory Service Bulletin No. 2668, Issued: September, 1996; or Raytheon Mandatory Service Bulletin No. 2668, Revised: December, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment (39–9968) becomes effective on May 16, 1997.

Issued in Kansas City, Missouri, on March 7, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–6540 Filed 3–14–97; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 96–AGL–24]

Establishment of Class E Airspace; Ephraim, WI, Ephraim-Fish Creek Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Ephraim, WI. A Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway 32 has been developed for Ephraim-Fish Creek Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. The intended affect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

EFFECTIVE DATE: 0901 UTC, May 22, 1997.

FOR FURTHER INFORMATION CONTACT: John A. Clayborn, Air Traffic Division, Operations Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Monday, December 6, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Ephraim, WI (61 FR 65992). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Two (2) letters of objection were received in response to this airspace action. The objections were based on concerns for cost, safety, and noise. The following concerns were raised:

1. Establishing Class E controlled airspace, and possible future expansion of the airport, will increase the cost to the local taxpayers for airport operations.

2. Establishing Class E controlled airspace will allow larger aircraft and/or jet aircraft to operate into and out of the existing airport, thereby decreasing safety at the airport.

3. Establishing Class E controlled airspace will increase the noise levels associated with the airport and consequently lower the property values for the homes immediately adjacent to the airport.

All of these comments were considered and evaluated. They are responded to as follows:

1. There is no increase in direct cost to the local taxpayer associated with establishing Class E controlled airspace for this airport. The Class E airspace action is based on the GPS SIAP to Runway 32, which is supported by the Department of Defense system of Global Positioning System satellites now in orbit around the earth. Pilots desiring to use this GPS SIAP must carry the appropriate receiving equipment on board their aircraft. Neither of these costs are related to the local tax base for the airport. Further, concern for any possible future expansion of this airport is not appropriate to this airspace action, which is based on the existing airport; therefore, this comment is considered beyond the scope of this airspace action. Comments concerning any possible future expansion of the airport should be directed to the local airport authority.

2. Establishing Class E controlled airspace does not by itself increase the capability of the airport to accept larger aircraft and/or jet aircraft. Only a physical change to the existing runway (i.e., longer runway stressed for heavier aircraft) and other such related actions (i.e., associated parking ramp