

# Proposed Rules

Federal Register

Vol. 65, No. 129

Wednesday, July 5, 2000

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-CE-09-AD]

RIN 2120-AA64

#### Airworthiness Directives; Raytheon Aircraft Company Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) Airplanes

**AGENCY:** FAA, Department of Transportation.

**ACTION:** Notice of proposed rulemaking (NPRM); Extension of the comment period.

**SUMMARY:** This document provides additional time for the public to comment on a proposal to supersede Airworthiness Directive (AD) 99-12-02, which currently requires flight and operating limitations on Raytheon Aircraft Corporation (Raytheon) Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) airplanes. AD 99-12-02 resulted from a report of an in-flight separation of the right wing on a Raytheon Beech Model A45 (T-34A) airplane. AD 99-12-02 was issued as an interim action until the development of FAA-approved inspection procedures. Raytheon has developed such procedures. The proposed AD would require repetitive inspections of the wing spar assembly for cracks, with replacement of any wing spar assembly found cracked (unless the spar assembly has a crack indication in the filler strip where the direction of the crack is toward the outside of the filler strip); require reporting the results of the initial inspection; and change the flight and operating limitations that AD 99-12-02 currently requires. Several comments received on the original notice of proposed rulemaking (NPRM) specify additional time to respond to the proposed action. The actions specified by the proposed AD are intended to detect and correct cracks in the wing spar assemblies and assure the

operational safety of the above-referenced airplanes.

**DATES:** The Federal Aviation Administration (FAA) must receive any comments on the proposed rule on or before October 15, 2000. This is extended from July 7, 2000.

**ADDRESSES:** Submit comments in triplicate to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-09-AD, 901 Locust, Room 506, Kansas City, Missouri 64106.

You may get the service information referenced in the proposed AD from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085; telephone: (800) 429-5372 or (316) 676-3140. You may examine this information at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Paul Nguyen, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4125; facsimile: (316) 946-4407.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The FAA invites comments on this proposed rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments in triplicate to the address specified under the caption **ADDRESSES**. The FAA will consider all comments received on or before the closing date. We may amend the proposed rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of the proposed AD action and determining whether we need to take additional rulemaking action.

We believe that the proposed regulation may have a significant economic impact on a substantial number of small entities. Due to the urgent nature of the safety issues addressed, FAA has been unable to complete a preliminary regulatory flexibility analysis prior to issuance of the NPRM. We anticipate including the final regulatory flexibility analysis and determination with the final rule, if adopted. To assist in this analysis, we are particularly interested in receiving information on the impact of the

proposed rule on small businesses and suggested alternative methods of compliance that will reduce or eliminate such impacts. 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.

The FAA is re-examining the writing style we currently use in regulatory documents, in response to the Presidential memorandum of June 1, 1998. That memorandum requires federal agencies to communicate more clearly with the public. We are interested in your comments on whether the style of this document is clearer, and any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at <http://www.plainlanguage.gov>.

The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of the proposed rule that might suggest a need to modify the rule. You may examine all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each FAA contact with the public that concerns the substantive parts of the proposed AD.

If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write "Comments to Docket No. 2000-CE-09-AD." We will date stamp and mail the postcard back to you.

#### Discussion

*Has FAA taken any action to this point?* In-flight separation of the right wing on a Raytheon Beech Model A45 (T34A) airplane caused us to issue AD 99-12-02, Amendment 39-11193 (64 FR 31689, June 14, 1999). This AD requires:

- Incorporating flight and operating limitations that restrict the airplanes to normal category operation and prohibit them from acrobatic and utility category operations;
- Limiting the flight load factor to 0 to 2.5 G; and

• Limiting the maximum airspeed to 175 miles per hour (mph) (152 knots). AD 99-12-02 was issued as an interim action until the development of FAA-approved inspection procedures.

*What happened since AD 99-12-02?*

Raytheon has developed procedures to inspect the wing spar assemblies on Raytheon Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) airplanes. We have reviewed and approved the technical aspects of these procedures.

Raytheon also issued Mandatory Service Bulletin No. SB 57-3329, Issued: February, 2000. The service bulletin:

- Includes procedures for inspecting the forward (main) and aft (rear) wing spar assemblies of the above-referenced airplanes; and
- Specifies provisions for when to replace a cracked wing spar assembly. The service bulletin specifies that a crack indication in the filler strip is allowed if the direction of the crack is toward the outside edge of the filler strip. If the direction of the crack is toward the inside of the filler strip or any crack is found in any other area, the service bulletin specifies replacing the spar assembly prior to further flight.

We then issued an NPRM that proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Raytheon Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) airplanes. The NPRM proposed to supersede AD 99-12-02 and would:

- Require you to repetitively inspect the wing spar assemblies for cracks and replace any cracked wing spar assembly. A crack indication in the filler strip is allowed if the direction of the crack is toward the outside edge of the filler strip;
- Require you to report the results of the initial inspection;
- Require you to maintain the flight and operating restrictions that AD 99-12-02 currently requires until you accomplish the initial inspection and possible replacement proposed in this AD; and
- Allow you to change the flight and operating restrictions that AD 99-12-02 currently requires after the wing spar assemblies are inspected and the wing spar assembly either is replaced, is crack free, or only has a crack indication in the filler strip where the direction of the crack is toward the outside of the filler strip.

*What has happened to cause FAA to issue this document?* We received several requests on the NPRM for more time to submit data on the proposed AD. Based on the content of the comments

and the interest in the rule expressed by various operators and other interested parties, FAA has decided to extend the comment period on this rule in order to seek additional data. Therefore, the comment period is extended approximately 90 days and will close October 15, 2000. The speed and operating restrictions that AD 99-12-02 requires remain in effect during this time so FAA has determined that extending the comment period will not impact aviation safety.

We are including preamble information and the actual AD for the reader's convenience.

*Are there differences between the proposed AD and the service information?* Raytheon Mandatory Service Bulletin No. SB 57-3329, Issued: February, 2000, specifies that you accomplish the initial inspection prior to further flight after receipt. We do not have justification for requiring the initial inspection prior to further flight. Instead, we have determined that 80 hours time-in-service (TIS) or 12 months (whichever occurs first) is a reasonable time period for accomplishing the initial inspection in this AD. We will retain the flight and operating restrictions that AD 99-12-02 currently requires until this inspection is accomplished.

*Why is the compliance of the initial inspection in hours time-in-service (TIS) and calendar time?* We have established the compliance time of the initial inspection at the next 80 hours TIS or 12 months time with the prevalent one being that which occurs first. This would assure that cracks are detected on high usage airplanes while the owners/operators of the lower usage airplanes would have additional time to accomplish the action (up to 12 months). Having the inspection accomplished on all airplanes within 12 months would assure that all wing spar cracks on the affected airplanes are detected in a reasonable time period, while not inadvertently grounding the affected airplanes. The FAA has determined that the dual compliance time will assure that the safety issue is addressed in a timely manner without inadvertently grounding any of the affected airplanes.

#### Cost Impact

*How many airplanes does the proposed AD impact?* The FAA estimates that 476 airplanes in the U.S. registry would be affected by the proposed AD.

*What is the cost impact of the initial inspection on owners/operators of the affected airplanes?* We estimate that it would take approximately 241

workhours per airplane to accomplish the proposed initial inspection, at an average labor rate of \$60 an hour. Based on these figures, FAA estimates the cost impact of the proposed initial inspection on U.S. operators at \$6,882,960, or \$14,460 per airplane.

*What about the cost of repetitive inspections and replacements?* The figures above only take into account the cost of the proposed initial inspection and do not take into account the cost of repetitive inspections or the cost to replace a cracked wing spar assembly. The FAA has no way of determining the number of repetitive inspections each owner/operator would incur over the life of an affected airplane or the number of airplanes that would have a cracked wing spar(s) and need replacement.

The cost of each repetitive inspection would be \$1,860 per airplane (31 workhours × \$60 per hour).

Raytheon no longer produces wings spars for the affected airplanes. If a wing spar was found cracked, you would have to install an FAA-approved wing spar configuration in order to continue to operate the airplane. For cost estimate purposes, we are using information on installing a Raytheon Beech 55 or 58 series airplane wing spar on a Raytheon Beech Model A45 airplane in accordance with Supplemental Type Certificate (STC) No. SA5521NM. Nogle and Black Aviation, Inc., owns this STC. The cost to replace a cracked wing spar through this STC would be \$14,100 (160 workhours × \$60 per hour plus \$4,500 for parts). The airplane would still be subject to the inspection requirements proposed in this NPRM.

#### Regulatory Impact

The regulations proposed herein 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. Therefore, it is determined that this proposed rule would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed action (1) Is not a "significant regulatory action" under Executive Order 12866; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). This proposed rule, if adopted, may have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. We are currently conducting a Regulatory Flexibility Determination and Analysis. We are

considering alternative methods of compliance to the proposed AD that could minimize the impact on small entities. We specifically invite comments in this area.

At this point, we have determined that AD action is the best course to address the unsafe condition specified in this document. We have also determined that the situation does not warrant waiting for the completion of the Regulatory Flexibility Determination and Analysis before we issue the NPRM. We will place a copy of the completed Regulatory Flexibility Determination and Analysis in the Docket file. You may obtain this information at the address specified in the caption ADDRESSES.

**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 of the Federal Aviation Regulations 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 Section 39.13 by removing Airworthiness Directive (AD) 99-12-02, Amendment 39-11193 (64 FR 31689, June 14, 1999), and by adding a new AD to read as follows:

**Raytheon Aircraft Company:** Docket No. 2000-CE-09-AD; Supersedes AD 99-12-02, Amendment 39-11193.

(a) *What airplanes are affected by this AD?*  
This AD applies to Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) airplanes, all serial numbers, certificated in any category.

(b) *Who must comply with this AD?*  
Anyone who wishes to operate any of the above airplanes on the U.S. Register must comply with this AD.

(c) *What problem does this AD address?*  
The actions specified by this AD are intended to detect and correct cracks in the wing spar assemblies and assure the operational safety of the above-referenced airplanes.

(d) *What actions must I accomplish that are retained from AD 99-12-02?* You must continue to follow the requirements from AD 99-12-02 that are presented in this chart, until you have accomplished the actions of paragraph (e) of this AD:

Action	When
(1) Placard requirements:  (i) Fabricate two placards using letters of at least 1/16-inch in height with each consisting of the following words: "Never exceed speed, Vne-175 MPH (152 knots) IAS; Normal Acceleration (G) Limits—0, and +2.5; ACROBATIC MANEUVERS PROHIBITED." (ii) Install these placards on the airplane instrument panels (one on the front panel and one on the rear panel) next to the airspeed indicators within the pilot's clear view. (iii) Insert a copy of this AD into the Limitations Section of the Airplane Flight Manual (AFM).	All actions prior to further flight after July 9, 1999 (the effective date of AD 99-12-02).
(2) Modification requirements:  (i) Modify the airspeed indicator glass by accomplishing the following: (A) Place a red radial line on the indicator glass at 175 miles per hour (mph) (152 knots).. (B) Place a white slippage index mark between the airspeed indicator glass and the case to visually verify that the glass has not rotated. (ii) Mark the outside surface of the "g" meters with lines of approximately 1/16-inch by 3/16-inch, as follows: (A) A red line at 0 and 2.5; AND (B) A white slippage mark between each "g" meter glass and case to visually verify that the glass has not rotated.	All actions required within 10 hours time-in-service (TIS) after July 9, 1999 (the effective date of AD 99-12-02).

(e) *What actions must I accomplish to address the safety issue presented in this AD?*

Action	When	In accordance with
(1) Inspect the wing (i) spar assemblies for cracks.	Initially at whichever occurs first:  (A) Within 80 hours time-in-service (TIS) after the effective date of this AD; OR (B) Within 12 months after the effective date of this AD. (ii) Repetitively inspect thereafter at intervals not to exceed 80 hours TIS.	Raytheon Mandatory Service Bulletin No. SB 57-3329, Issued: February, 2000.
(2) Replace any cracked wing spar assembly. A crack indication in the filler strip is allowed if the direction of the crack is toward the outside edge of the filler strip. If the direction of the crack is toward the inside of the filler strip or any crack is found in any other area, you must replace the cracked wing spar assembly prior to further flight.	Prior to further flight after the required inspection where the cracked wing spar assembly is found.	The applicable maintenance manual.

Action	When	In accordance with
<p>(3) Submit a report to the FAA that describes the damage found on the wing spar. Use the chart on pages 58 through 60 of Raytheon Mandatory Service Bulletin No. SB 57-3329, Issued: February, 2000.</p> <p>(i) Submit this report even if no cracks are found.</p> <p>(ii) Submit this report to the FAA at the address found in paragraph (g) of this AD.</p>	<p>Within 10 days after the initial inspection or within 10 days after the effective date of the AD, whichever occurs later.</p>	<p>Pages 58 through 60 of Raytheon Mandatory Service Bulletin No. SB 57-3329, Issued: February, 2000</p>
<p>(4) The flight and operating restrictions that required were required by paragraph (d) of this AD, as retained from AD 99-12-02, may be changed by accomplishing the following:</p> <p>(i) Remove the placards, modifications, etc. required by paragraph (d) of this AD, as retained from AD 99-12-02.</p> <p>(ii) Fabricate two placards using letters of at least 1/10-inch in height with each consisting of the following words: "Never exceed speed, Vne-225 MPH (219 knots) IAS; Normal Acceleration (G) Limits-0, +5."</p> <p>(iii) Install these placards on the airplane instrument panels (one on the front panel and one on the rear panel) next to the airspeed indicators within the pilot's clear view.</p> <p>(iv) Modify the airspeed indicator glass by accomplishing the following: (A) Place a red radial line on the indicator glass at 225 miles per hour (mph) (219 knots). (B) Place a white slippage index mark between the airspeed indicator glass and the case to visually verify that the glass has not rotated.</p> <p>(v) Mark the outside surface of the "g" meters with lines of approximately 1/16-inch by 3/16-inch, as follows: (A) A red line at 0 and +5; AND (B) A white slippage mark between each "g" meter glass and case to visually verify that the glass has not rotated.</p> <p>(vi) Insert a copy of this AD into the Limitations Section of the AFM.</p>	<p>All actions prior to further flight after the initial inspection provided the wing spar assembly is either replaced, is crack free, or only has a crack indication in the filler strip where the direction of the crack is toward the outside of the filler strip.</p>	<p>Not applicable.</p>

(f) *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 99-12-02, which is superseded by this AD, are not approved as alternative methods of compliance with this AD.

**Note:** This AD applies to each aircraft 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 aircraft 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 (f) 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.

(g) *Where can I get information about any already-approved alternative methods of compliance?* Contact Paul Nguyen, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4125; facsimile: (316) 946-4407.

(h) *What if I need to fly the aircraft 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 aircraft to a location

where you can accomplish the requirements of this AD.

(i) *How do I get copies of the documents referenced in this AD?* You may obtain copies of the documents referenced in this AD from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085. You may examine these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

(j) *Does this AD action affect any existing AD actions?* This amendment supersedes AD 99-12-02, Amendment 39-11193.

Issued in Kansas City, Missouri, on June 28, 2000.

**Marvin R. Nuss,**

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

[FR Doc. 00-16852 Filed 7-3-00; 8:45 am]

**BILLING CODE 4910-13-U**