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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