

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 per airplane	Total cost on U.S. operators
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:

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: