

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**2004-25-51 Raytheon Aircraft Company:**  
Amendment 39-13913; Docket No.  
FAA-2004-19896; Directorate Identifier  
2004-CE-44-AD.

#### When Does This AD Become Effective?

(a) This AD becomes effective on December 21, 2004, to all affected persons who did not

receive emergency AD 2004-25-51, issued December 10, 2004. Emergency AD 2004-25-51 contained the requirements of this amendment and became effective immediately upon receipt.

#### Are Any Other ADs Affected By This Action?

(b) None. For clarification, this AD provides no relief from the requirements of AD 2001-13-18 R1.

#### What Airplanes Are Affected by This AD?

(c) This AD affects Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) airplanes, all serial numbers, that are certificated in any category.

#### What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of cracks found in a location that was previously inspected and found to comply with AD 2001-13-18 R1; and two new locations. We are issuing this AD to detect and correct such cracking, which could result in the wing separating from the airplane with consequent loss of control of the airplane.

#### What Must I Do To Address This Problem?

(e) The following specifies actions you must do per this AD and other pertinent information to address this problem:

Actions	Compliance
<p>(1) Perform an inspection and/or modification program approved specifically for this AD by the FAA Wichita Aircraft Certification Office (ACO).</p> <p>(2) To return/position the airplane to a home base, hangar, maintenance facility, etc., you may operate the airplane provided you follow the limitations in paragraph (f) of this AD.</p> <p>(3) Special flight permits are allowed for this AD. See paragraph (f) of this AD for restrictions.</p> <p>(4) To help in the long-term airworthiness solution for the safety and continued airworthiness of these airplanes, FAA is requesting data from every owner/operator on the following on these airplanes:</p> <p>(i) Service/Repair History (cracked/fatigued structure);</p> <p>(ii) Maintenance Schedule; and</p> <p>(iii) Total Hours Time-In-Service (TIS).</p>	<p>Prior to further flight after December 21, 2004 (the effective date of this AD), except that this action was already required prior to further flight upon receipt for those who received emergency AD 2004-25-51.</p> <p>You may operate the airplane up to 10 hours time-in-service (TIS) provided the flight(s) occur(s) no later than 30 days after December 21, 2004, except that this provision was already given to those who received emergency AD 2004-25-51. This is a one-time provision.</p> <p>Use the procedures in 14 CFR part 39 and the restrictions in paragraph (f) of this AD.</p> <p>Send to Paul Nguyen, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4125; facsimile: (316) 946-4107; e-mail: <a href="mailto:paul.nguyen@faa.gov">paul.nguyen@faa.gov</a>.</p>

#### What Are the Flight Restrictions Specified in Paragraph (e)(2) and (e)(3) of This AD?

(f) During the time allowed before compliance with paragraph (e)(1) of this AD or for any approved special flight permit, you must adhere to the following limitations:

- (1) NEVER EXCEED SPEED, VNE-175 MPH (152 knots).
- (2) NORMAL ACCELERATION (G) LIMITS - 0, and +2.5.
- (3) ACROBATIC MANEUVERS PROHIBITED.
- (4) FLIGHT INTO KNOWN OR FORECAST MODERATE OR SEVERE TURBULENCE IS PROHIBITED.
- (5) DAY VISUAL FLIGHT RULES (VFR) OPERATION ONLY.
- (6) PILOT AND ANY ADDITIONAL FLIGHT CREW MEMBER REQUIRED FOR SAFE OPERATION.

#### Who Do I Contact for Further Information?

(g) If you need additional information relating to this AD, 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) 946-4107; e-mail: [paul.nguyen@faa.gov](mailto:paul.nguyen@faa.gov).

Issued in Kansas City, Missouri, on December 14, 2004.

**James E. Jackson,**

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

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 121

#### Operating Requirements: Domestic, Flag, and Supplemental Operations

##### CFR Correction

In Title 14 of the Code of Federal Regulations, parts 60 to 139, revised as of January 1, 2004, on page 474, § 121.385 is corrected by adding paragraph (d) to read as follows:

#### § 121.385 Composition of flight crew.

\* \* \* \* \*

(d) On each flight requiring a flight engineer at least one flight crewmember, other than the flight engineer, must be qualified to provide emergency performance of the flight engineer's functions for the safe completion of the flight if the flight engineer becomes ill or is otherwise incapacitated. A pilot need not hold a flight engineer's certificate to perform the flight engineer's functions in such a situation.

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**BILLING CODE 1505-01-D**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 917

[KY-247-FOR]

#### Kentucky Regulatory Program

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** We are approving an amendment to the Kentucky regulatory program (the "Kentucky program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Kentucky proposes to revise its statutes regarding easements of necessity and submitted the amendment at its own initiative.

**EFFECTIVE DATE:** December 20, 2004.

**FOR FURTHER INFORMATION CONTACT:** William J. Kovacic, Telephone: (859) 260-8400. Telefax number: (859) 260-8410.

#### SUPPLEMENTARY INFORMATION:

- I. Background on the Kentucky Program
- II. Submission of the Proposed Amendment
- III. OSM's Findings
- IV. Summary and Disposition of Comments
- V. OSM's Decision