

# Proposed Rules

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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. 2001-CE-13-AD]

RIN 2120-AA64

#### Airworthiness Directives; Raytheon Aircraft Company Beech Model C90 Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Raytheon Aircraft Company (Raytheon) Beech Model C90 airplanes. This proposed AD would require you to inspect the left-hand (LH) and right-hand (RH) nacelle and spar assembly for the existence of rivets and would require you to install rivets if they do not exist or are the wrong size or type. This proposed AD is the result of Raytheon identifying several instances where rivets were either missing or were wrong size or type on these airplanes. The actions specified by this proposed AD are intended to correct the installation of rivets in the LH and RH nacelle and spar assembly. These rivets must be present and have the correct dimension in order to prevent reduced structural integrity, which could result in structural failure and possible loss of control of the airplane.

**DATES:** The Federal Aviation Administration (FAA) must receive any comments on this proposed rule on or before January 22, 2002.

**ADDRESSES:** Submit comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001-CE-13-AD, 901 Locust, Room 506, Kansas City, Missouri 64106. You may view any comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

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

**FOR FURTHER INFORMATION CONTACT:** Steve Potter, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4124; facsimile: (316) 946-4407.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

##### *How Do I Comment on This Proposed AD?*

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 to the address specified under the caption **ADDRESSES**. We will consider all comments received on or before the closing date. We may amend this proposed rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of this proposed AD action and determining whether we need to take additional rulemaking action.

##### *Are There Any Specific Portions of This Proposed AD I Should Pay Attention to?*

The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this proposed rule that might suggest a need to modify the rule. You may view 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 contact we have with the public that concerns the substantive parts of this proposed AD.

##### *How Can I Be Sure FAA Receives My Comment?*

If you want FAA to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write "Comments to Docket No. 2001-CE-13-AD." We will date stamp and mail the postcard back to you.

#### Discussion

##### *What Events Have Caused This Proposed AD?*

Raytheon has identified several instances of rivets not being installed and/or the wrong size or type installed during the manufacturing process on the nacelles and spar assembly of the Model C90A airplanes. This conclusion is the result of a quality control problem.

At least 20 airplanes have been found with this condition. The number and location of the missing rivets and incorrectly installed rivets may vary from airplane to airplane.

##### *What Are the Consequences if the Condition Is Not Corrected?*

This condition, if not detected and corrected, could result in reduced structural integrity. This could lead to critical structural failure with consequent loss of airplane control.

##### *Is There Service Information That Applies to This Subject?*

Raytheon has issued Mandatory Service Bulletin SB 54-3308, Issued: October, 2000.

##### *What Are the Provisions of This Service Information?*

The service bulletin includes procedures for:

- Inspecting the left-hand and right-hand nacelle and spar assembly for the existence of rivets and installed rivets that are the wrong size and/or type; and
- Installing rivets when they don't exist and replacing installed rivets that are the wrong size and/or type with the correct rivet.

#### The FAA's Determination and an Explanation of the Provisions of This Proposed AD

##### *What Has FAA Decided?*

After examining the circumstances and reviewing all available information related to the incidents described above, we have determined that:

- The unsafe condition referenced in this document exists or could develop on other Raytheon Beech Model C90 airplanes of the same type design;
- The actions specified in the previously-referenced service information should be accomplished on the affected airplanes; and
- AD action should be taken in order to correct this unsafe condition.

**What Would This Proposed AD Require?**

This proposed AD would require you to incorporate the actions in the previously-referenced service bulletin.

**Cost Impact**

**How Many Airplanes Would This Proposed AD Impact?**

We estimate that this proposed AD affects 381 airplanes in the U.S. registry.

**What Would Be the Cost Impact of This Proposed AD on Owners/Operators of the Affected Airplanes?**

We estimate the following costs to accomplish the proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
35 workhours × \$60 per hour = \$2,100 ....	No parts required for the inspection .....	\$2,100	\$2,100 × 381 = \$800,100.

We estimate the following costs to accomplish any necessary replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of airplanes that may need such replacements:

Labor cost	Parts cost	Total cost per airplane
40 workhours × \$60 per hour = \$2,400 .....	\$50	\$2,400 + \$50=\$2,450.

The manufacturer will provide warranty credit for labor and parts to the extent noted under MANPOWER and MATERIAL in Raytheon Mandatory Service Bulletin SB 54-3308, Issued: October, 2000.

**Compliance Time of This Proposed AD**

**Why Is the Compliance Time of This Proposed AD Presented in Both Hours Time-in-Service (TIS) and Calendar Time?**

The unsafe condition on these airplanes is not a result of the number of times the airplane is operated. Airplane operation varies among operators. For example, one operator may operate the airplane 50 hours TIS in 3 months while it may take another 12 months or more to accumulate 50 hours TIS. For this reason, the FAA has determined that the compliance time of the proposed AD should be specified in both hours time-in-service (TIS) and calendar time in order to assure this condition is not allowed to go undetected over time.

**Regulatory Impact**

**Would This Proposed AD Impact Various Entities?**

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.

**Would This Proposed AD Involve a Significant Rule or Regulatory Action?**

For the reasons discussed above, I certify that this proposed 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) if promulgated, 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 draft regulatory evaluation prepared for this action has been placed 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, Safety.

**The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 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 adding a new airworthiness directive (AD) to read as follows:

**Raytheon Aircraft Company:** Docket No. 2001-CE-13-AD

(a) *What airplanes are affected by this AD?* This AD affects the following Beech Model C90A airplanes that are certificated in any category:

**Serial Numbers**

LJ-1157 through LJ-1276, LJ-1278 through LJ-1537; and LJ-1540.

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

(c) *What problem does this AD address?* The actions specified by this AD are intended to correct the installation of rivets in the left-hand and right-hand nacelle and spar assembly. These rivets must be present and have correct dimensions in order to prevent reduced structural integrity, which could result in structural failure and possible 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:

Actions	Compliance	Procedures
(1) Insert Raytheon Temporary Changes TC3 (Log of Temporary Changes) into the Limitations Section of the Pilot's Operating Handbook (POH).	Within the next 10 hours time-in-service (TIS) after the effective date of this AD until compliance with paragraphs (d)(2) and (d)(3) of this AD.	Anyone who holds at least a private pilot certificate, as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), may incorporate the pilot's operating handbook (POH) revision required by this AD. You must make an entry into the aircraft records that shows compliance with this AD, in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).
(2) Inspect the left-hand (LH) and right-hand (RH) nacelle and spar assembly for the existence of rivets and installed rivets that are the wrong size and/or type.	Within the next 400 hours time-in-service (TIS) or within 12 calendar months after the effective date of this AD, whichever occurs first.	In accordance with the Accomplishment Instructions section of Raytheon Mandatory Service Bulletin SB 54-3308, Issued: October, 2000, and the applicable maintenance manual.
(3) Install rivets where rivets are missing and replace rivets that are the wrong size and/or type with the correct rivet.	Prior to further flight after the inspection required in paragraph (d)(2) of this AD.	In accordance with the Accomplishment Instructions section of Raytheon Mandatory Service Bulletin SB 54-3308, Issued: October, 2000, and the applicable maintenance manual.

**Note 1:** Although not required by this AD, Raytheon Mandatory Service Bulletin SB 54-3308, Issued: October, 2000, recommends inspecting the airplane in accordance with the Hard Landing Inspection procedure, Chapter 5-50-00, Beech King Air 90 Maintenance Manual, if the airplane should experience a hard landing prior to the repair required by this AD. If serious structural damage occurred, contact Raytheon Technical Support for assistance.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

- (1) Your alternative method of compliance provides an equivalent level of safety; and
- (2) 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.

**Note 2:** This AD applies to each airplane identified in paragraph (a) of this AD, 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 (e) 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.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Steve Potter, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4124; facsimile: (316) 946-4407.

(g) *What if I need to fly the airplane 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 airplane to a location where you can accomplish the requirements of this AD.

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

Issued in Kansas City, Missouri, on November 15, 2001.

**Michael K. Dahl,**

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

[FR Doc. 01-29222 Filed 11-23-01; 8:45 am]

**BILLING CODE 4910-13-U**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 272

[FRL-7091-9]

#### Utah: Final Authorization of State-Initiated Changes and Incorporation by Reference of Approved State Hazardous Waste Management Program

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** During a review of Utah's regulations, EPA identified a variety of State-initiated changes to Utah's hazardous waste program under the Resource Conservation and Recovery Act (RCRA). We propose to grant Final authorization to Utah for these changes. In addition, EPA is proposing to codify, in the section of the Code of Federal Regulation (CFR) entitled Approved

State Hazardous Waste Management Programs, Utah's authorized hazardous waste program. We will incorporate by reference those provisions of the State regulations that are authorized and federally enforceable. In the "Rules and Regulations" section of this **Federal Register**, we are authorizing the changes to the Utah program and codifying and incorporating by reference the State's hazardous waste program as an Immediate Final Rule. We did not make a proposal prior to the Immediate Final Rule because we believe this action is noncontroversial and do not expect comments that oppose it. We have explained the reasons for this authorization and incorporation by reference in the preamble to the Immediate Final Rule. Unless we get written comments which oppose this authorization and incorporation by reference during the comment period, the Immediate Final Rule will become effective on the date established in the Final rule and we will not take further action on this proposal. If we get comments that oppose this action, we will withdraw the Immediate Final Rule and it will not take effect. We will then respond to public comments in a later Final rule based on this proposal. If you want to comment on this action, you must do so at this time, since you may not have another opportunity for comment.

**DATES:** Written comments must be received on or before December 26, 2001.

**ADDRESSES:** Mail written comments to Kris Shurr, 8P-HW, U.S. EPA, Region VIII, 999 18th St., Suite 300, Denver, Colorado 80202-2466, phone (303) 312-6139. You can examine copies of the