The Federal Register / Vol. 74, No. 91 / Wednesday, May 13, 2009 / Rules and Regulations 22429

Material Incorporated by Reference
(I) None.

Issued in Burlington, Massachusetts, on May 4, 2009.

Peter A. White,
Assistant Manager, Engine and Propeller
Directorate, Aircraft Certification Service.

[FR Doc. E9–10953 Filed 5–12–09; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27747; Directorate
Identifier 2007–CE–030–AD; Amendment
39–15904; AD 2009–10–09]

RIN 2120–AA64

Airworthiness Directives; Cessna
Aircraft Company 150 and 152 Series
Airplanes

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new
airworthiness directive (AD) for Cessna
Aircraft Company (Cessna) 150 and 152
series airplanes. This AD requires you to
either install a placard prohibiting spins
and other acrobatic maneuvers in the
airplane or to replace the rudder stop,
rudder stop bumper, and attachment
hardware with a new rudder stop
modification kit and replace the safety
wire with jamnuts. This AD results from
follow-on investigations of two accidents
where the rudder was found in the
over-travel position with the stop plate
hooked over the stop bolt heads. While
neither of the accident aircraft met type
design, investigations revealed that aircraft in full conformity with type
design can exceed the travel limits set
by the rudder stops. We are issuing this
AD to prevent the rudder from traveling
past the normal travel limit. Operation
in this non-certificated control position is unacceptable and could cause
undesirable consequences, such as
contact between the rudder and the
elevator.

DATES: This AD becomes effective on
June 17, 2009.

On June 17, 2009, the Director of the
Federal Register approved the
incorporation by reference of certain
publications listed in this AD.

ADDRESSES: To get the service
information identified in this AD,
contact Cessna Aircraft Company;
Product Support, P.O. Box 7706,
Wichita, KS 67277; telephone: (316)
517–5800; fax: (316) 517–7271; Internet:

To view the AD docket, go to U.S.
Department of Transportation, Docket
Operations, M–30, West Building
Ground Floor, Room W12–140, 1200
New Jersey Avenue, SE., Washington,
DC 20590, or on the Internet at http://
www.regulations.gov. The docket
number is FAA–2007–27747;
Directorate Identifier 2007–CE–030–AD.

FOR FURTHER INFORMATION CONTACT: Ann
Johnson, Aerospace Engineer, FAA,
Wichita Aircraft Certification Office,
1801 Airport Road, Room 100, Wichita,
Kansas 67209; telephone: (316) 946–
4105; fax: (316) 946–4107.

SUPPLEMENTARY INFORMATION:

Discussion

On April 10, 2007, we issued a
proposal to amend part 39 of the Federal
Aviation Regulations (14 CFR part 39) to
include an AD that would apply to
certain Cessna Aircraft Company
(Cessna) 150 and 152 series airplanes.
This proposal was published in the
Federal Register as a notice of proposed
rulemaking (NPRM) on April 16, 2007
(72 FR 18025). The NPRM proposed to
require replacement of the rudder stop,
rudder stop bumper, and attachment
hardware with a new rudder stop
modification kit and replacement of the
safety wire with jamnuts.

Comments

We provided the public the
opportunity to participate in developing
this AD. The following presents the
comments received on the proposal and
FAA’s response to each comment:

Comment Issue No. 1: SAIB Instead of
NPRM

Joseph Morales, Gary Iverson, Sr., Al
Roesner, Gerald D. Clark, Al Dyer, Neal
Trullson, McBride Aircraft Group,
Matthew M. Gosslein, Samuel K.
McCauley, Robert E. Hackman from the
Aircraft Owners and Pilots Association
(AOPA), and Tom Carr from the Cessna
Pilots Association (CPA) comment that
the FAA should withdraw the NPRM and
issue a special airworthiness
information bulletin (SAIB). The
commenters further state that requiring
replacement of the rudder stop, rudder stop bumper, attachment
hardware, and substituting safety wire
with jamnuts is an overreaction. The
commenters request that the FAA
withdraw the NPRM and issue an SAIB
since the problem is with a very limited
number of airplanes, specifically the
Cessna Model 152, and improper
maintenance was cited as the cause of the
two previously mentioned
accidents. The commenters state the
airplanes have flown for 51 years and
thousands of hours with no previous
problems, and installing the original
equipment manufacturer (OEM) kit on
17,090 domestic airplanes would put the
airplanes at risk.

We do not agree that this action
should be an SAIB instead of an AD.
While the two accident aircraft were not
airworthy, the issue that needs to be
corrected is a design issue, not a
maintenance issue. Follow-on
investigations did reveal that rudders on
aircraft in full conformity with type
design can exceed the travel limits set
by the rudder stops. Operation in this
certificated control position is unacceptable and could cause
undesirable consequences. Markings on
one accident airplane correspond with
previous contact between the rudder
and elevator, and similar markings were
noted on several in-service airplanes.
We will change the final rule AD to
provide another option in lieu of the
actions in the proposed AD. For the new
option, the limitations section in the
airplane flight manual (AFM) and the
pilots operating handbook (POH) must
be changed to prohibit acrobatics. A
placard would be displayed on the
instrument panel in clear view of the
pilot with the words “INTENTIONAL
SPINS AND OTHER ACROBATIC/
AEROBATIC MANEUVERS
PROHIBITED PER AD 2009–10–09.”

We retain as an option the actions
complying with the service information
as specified in the proposed AD. After
such action is done, the specified
operational limitations in the added option (if utilized) may be removed.

We are changing the final rule AD action by adding language to address the option of the operational limitations.

Comment Issue No. 2: How Is Change Justified

Cessna Aircraft Company states that the National Transportation Safety Board (NTSB) recommendation of mandating by AD the installation of the Cessna service kit would not have prevented the accidents. Cessna states that they have no data that indicates a flight or ground procedure can deflect the rudder stop to a position where the stop is behind the bolt. From the dirt in the accident photograph, Cessna believes forces generated in the accident moved the rudder relative to the rudder stop, and that is how it hooked behind the stop. Cessna states that in the Canadian accident the rudder was possibly pushed over the stop by hydrodynamic or inertia forces. Cessna notes that if both rudder pedals were pressed simultaneously, then the rudder stop would slip below the stop bolts and contact the fuselage skin without any tendency to jam; larger stops and bolts minimize this tendency. A Cessna service bulletin was issued in 2001 to address this concern. Cessna has no objection to adoption of an AD mandating installation of the service kit.

We agree with Cessna that the rudder system can be determined unsafe condition in this AD is the rudder exceeding its travel limits. We are not changing the final rule AD action based on this comment.

Comment Issue No. 3: Cost Is Excessive

Joseph Morales comments that the costs stated in the Cessna service bulletin and in the NPRM are excessive. Cessna rushed to judgment taking AD action based on this comment. We disagree. We received an estimated parts cost of $90 (as of January 2009) from the manufacturer with 4 hours of labor. We estimate the following costs to do the modification:

<table>
<thead>
<tr>
<th>Labor cost</th>
<th>Parts cost</th>
<th>Total cost per airplane</th>
<th>Total cost on U.S. operators</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 work-hour × $80 per hour = $80</td>
<td>Not applicable</td>
<td>$80</td>
<td>$1,367,200</td>
</tr>
</tbody>
</table>

We estimate the following costs to do the modification:

<table>
<thead>
<tr>
<th>Labor cost</th>
<th>Parts cost</th>
<th>Total cost per airplane</th>
<th>Total cost on U.S. operators</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 work-hours × $80 per hour = $320</td>
<td>$90</td>
<td>$410</td>
<td>$7,006,900</td>
</tr>
</tbody>
</table>

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this AD.

Costs of Compliance

We estimate that this AD affects 17,090 airplanes in the U.S. registry. We estimate the following costs to insert the operational limitation:
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.

For the reasons discussed above, I certify that this AD:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the 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.

We prepared a summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under ADDRESSES. Include “Docket No. FAA–2007–27747; Directorate Identifier 2007–CE–030–AD” in your request.

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

§ 39.13 [Amended]

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 AD to read as follows:


Effective Date

(a) This AD becomes effective on June 17, 2009.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the following airplane models and serial numbers that are certified in any category:

<table>
<thead>
<tr>
<th>Models</th>
<th>Serial Nos.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 150F</td>
<td>15061533 through 15064532.</td>
</tr>
<tr>
<td>(2) 150G</td>
<td>15064533 through 15064969 and 15064971 through 15067198.</td>
</tr>
<tr>
<td>(3) 150H</td>
<td>15067199 through 15069308 and 649.</td>
</tr>
<tr>
<td>(4) 150J</td>
<td>15069309 through 15071128.</td>
</tr>
<tr>
<td>(5) 150K</td>
<td>15071129 through 15072003.</td>
</tr>
<tr>
<td>(6) 150L</td>
<td>15072004 through 15075781.</td>
</tr>
<tr>
<td>(7) 150M</td>
<td>15075782 through 15079405.</td>
</tr>
<tr>
<td>(8) A150K</td>
<td>A1500001 through A1500226.</td>
</tr>
<tr>
<td>(9) A150L</td>
<td>A1500227 through A1500432 and A1500434 through A1500523.</td>
</tr>
<tr>
<td>(10) A150M</td>
<td>A1500524 through A1500734 and 15064970.</td>
</tr>
</tbody>
</table>

Unsafe Condition

(d) Aircraft in full conformity with type design can exceed the travel limits set by the rudder stops. We are issuing this AD to prevent the rudder from traveling past the normal travel limit. Operation in this non-certificated control position is unacceptable and could cause undesirable consequences, such as contact between the rudder and the elevator.

Compliance

(e) To address this problem, you must do either the actions in option 1 or option 2 of this AD, unless already done:

<table>
<thead>
<tr>
<th>Action</th>
<th>Compliance</th>
<th>Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Option 1: For all airplanes that do not have modification kits part number (P/N) SK152–25A or P/N SK152–24A installed, do the following:

(i) Insert the following text into the Limitations section of the FAA-approved airplane flight manual (AFM), and pilots operating handbook (POH): “INTENTIONAL SPINS AND OTHER AEROBATIC/AEROBATIC MANEUVERS PROHIBITED PER AD 2009–10–09.”

Note: This AD does not prohibit performing intentional stalls.

(ii) Fabricate a placard (using at least 1/8-inch letters) with the following words and install the placard on the instrument panel within the pilot’s clear view: “INTENTIONAL SPINS AND OTHER AEROBATIC/AEROBATIC MANEUVERS PROHIBITED PER AD 2009–10–09.”

(iii) The AFM and POH limitations in paragraph (e)(1)(i) of the AD and the placard in paragraph (e)(1)(ii) of this AD may be removed after either paragraph (e)(2)(i) or paragraph (e)(2)(ii) of this AD is done.

Within the next 100 hours time-in-service (TIS) after June 17, 2009 (the effective date of this AD), or within the next 12 months after June 17, 2009 (the effective date of this AD), whichever occurs first.

A person authorized to perform maintenance as specified in 14 CFR section 43.3 of the Federal Aviation Administration Regulations (14 CFR 43.3) is required to make the AFM and POH changes, fabricate the placard required in paragraph (e)(1)(i) of this AD, and make an entry into the aircraft logbook showing compliance with the portion of the AD per compliance with 14 CFR 43.9.
(f) Kit P/Ns SK152–24 and SK152–25, which are listed in SEB01–1, were superseded by kit P/Ns SK152–24A and SK152–25A. Cessna has not revised the service bulletin to reflect the new P/Ns. The kit P/Ns SK152–24 and SK152–25 would automatically be filled with P/Ns SK152–24A and SK152–25A, respectively.

(1) The P/N SK152–24 kit does not address the unsafe condition because the nutplate in the kit can not be used due to rivet spacing on the aft bulkhead. In addition, a note was added to kit P/N SK152–24A stating “some airplanes in this serial range may have a forged bulkhead installed after leaving the factory. Service Kit SK152–25A or later revision must be used to modify these airplanes.” The kit P/N SK152–25 does not address the unsafe condition because there was an error in a washer P/N. This error was corrected in the kit P/N SK152–25A kit.

Therefore, kit P/Ns SK152–24 and SK152–25 are not allowed for installation for this AD.

(2) If you previously had a kit P/N SK152–24 or SK152–25 installed and you choose to use the kit installation option, the kit P/N SK152–24A or SK152–25A, as applicable, must be installed.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, FAA, ATTN: Ann Johnson, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4105; fax: (316) 946–4107, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Material Incorporated by Reference

(h) If you choose to comply with this AD using paragraph (e)(2) of this AD, you must use Cessna Aircraft Company Service Bulletin SEB01–1, dated January 22, 2001; and, as applicable, either Cessna Aircraft Company Service Kit SK152–25A, Revision A, dated February 9, 2001; or Cessna Aircraft Company Service Kit SK152–24A, Revision A, dated March 9, 2001.

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 440) Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

A number of Flap Actuators with P/N [part number] 601R93101–21 and 601R93101–25 were identified as having pinion gears that did not have acceptable certificates of conformance from the supplier. This condition could result in flap failure. * * *

Endurance testing conducted at Eaton Aerospace with representative discrepant gears predicted a 3,000 flight cycle life limit for the affected actuators. Fleet leaders with suspect installed actuators are rapidly approaching this threshold. Failure of the flap actuator pinion gear set could cause the right or left inboard panel to disconnect, which could result in flap asymmetry and