

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39 [60 FR 51709 NO. 191 10/3/95]

Docket No. 94-NM-211-AD; Amendment 39-9381; AD 95-20-03

Airworthiness Directives; Learjet Model 24, 25, 28, 29, 31, 35, 36, and 55 Series Airplanes

▼ **Preamble Information**

AGENCY: Federal Aviation Administration, DOT

ACTION: Final rule

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Learjet Model 24, 25, 31, 35, and 36 series airplanes, and all Learjet Model 28, 29, and 55 series airplanes, that currently requires a revision to the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to prohibit flight above an altitude of 41,000 feet. The actions specified by that AD are intended to limit the airplane operating altitude due to a possible failure of the outflow/safety valves, which could result in rapid decompression of the airplane. This amendment adds a requirement for replacement of certain outflow/safety valves, which, when accomplished, constitutes terminating action for the previously required AFM limitation.

DATES: Effective November 2, 1995.

The incorporation by reference of certain publications, as listed in the regulations, is approved by the Director of the Federal Register as of November 2, 1995.

The incorporation by reference of Allied Signal Aerospace Alert Service Bulletin 102850-21-A4021, Revision 2, dated 10/6/94, as listed in the regulations, was approved previously by the Director of the Federal Register as of 1/3/95 (59 FR 64844, 12/16/94).

ADDRESSES: The service information referenced in this AD may be obtained from Allied Signal, Inc., Controls & Accessories, 11100 N. Oracle Road, Tucson, Arizona 85737-9588; telephone (602) 469-1000; and Learjet, Inc., P.O. Box 7707, Wichita, Kansas 67277-7707. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Walter Eierman, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; 90712; telephone (310) 627-5336; fax (310) 627-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94-26-01, amendment 39-9097 (59 FR 64844, December 16, 1994), which is applicable to certain Learjet Model 24, 25, 31, 35, and 36 series airplanes, and all Learjet Model 28, 29, and 55 series airplanes, was published in the **Federal Register** on March 16, 1995 (60 FR 14231). The action proposed to continue to require a revision to the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to prohibit flight above an altitude of 41,000 feet. The action also proposed to require replacement of certain outflow/safety valves, which, when accomplished, constitutes terminating action for the previously required AFM limitation.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

The only commenter, Learjet, Inc., requests that the AD be written as one AD against the outflow/safety valves, rather than against Learjet airplanes. The commenter believes this would better serve the public and that confusion would result if several AD's are issued against the various aircraft that use the affected valve. Learjet states that it is not customary to issue AD's against the aircraft for engine problems, seat belt buckles, or any other appliance that is used on more than one aircraft.

The FAA does not concur with the commenter's request. The FAA responds by noting that its general policy is that, when an unsafe condition results from the installation of an appliance or other item that is installed in only one particular make and model of aircraft, the AD is issued so that it is applicable to the aircraft, rather than the item. The reason for this is simple: Making the AD applicable to the airplane model on which the item is installed ensures that operators of those airplanes will be notified directly of the unsafe condition and the action required to correct it. While it is assumed that an operator will know the models of airplanes that it operates, there is a potential that the operator will not know or be aware of specific items that are installed on its airplanes. Therefore, calling out the airplane model as the subject of the AD prevents "unknowing noncompliance" on the part of the operator. The FAA recognizes that there are situations when an unsafe condition exists in an item that is installed in many different aircraft. In those cases, the FAA considers it impractical to issue AD's against each aircraft; in fact, many times, the exact models and numbers of aircraft on which the item is installed may not be known. Therefore, in those situations, the AD is issued so that it is applicable to the item; furthermore, those AD's usually indicate that the item is known to be installed on, but not limited to, various aircraft models.

In light of this, since the FAA is aware that the outflow/safety valves having the particular part numbers specified in this AD are installed only on the Learjet airplanes identified in the applicability of this AD, the FAA finds it appropriate in this case to issue the AD against the airplane. The FAA may consider addressing outflow/safety valves having other part numbers in subsequent rulemaking actions, applicable to the airplanes on which the valves are installed.

The commenter also requests that certain Learjet service bulletins and the address for obtaining those service bulletins be cited in lieu of the Allied Signal Aerospace service bulletins cited in the proposal. The commenter indicates that Allied Signal Aerospace does not mail their service bulletins to operators of Learjet airplanes. The commenter also points out that the Learjet service bulletins transmit the same Allied Signal Aerospace service bulletins referenced in the AD. The commenter also indicates that the Allied Signal

Aerospace service bulletins do not describe procedures for replacement of certain outflow/safety valves; therefore, the commenter has submitted a suggested rewrite of the service bulletin description that appeared in the preamble of the proposed rule. Learjet contends that its service bulletins more accurately define the serial numbers of the airplanes on which suspect valves may be installed, and includes those serial numbers in a suggested rewrite of the applicability of the AD. Finally, the commenter adds that the Learjet service bulletins were approved by the FAA as an alternative method of compliance with AD 94-26-01.

The FAA concurs partially. In AD 94-26-01, the FAA cited the Allied Signal Aerospace service bulletins as the appropriate sources of service information; those citations were appropriately carried over into this AD. As explained in the preamble to the proposal, the FAA also reviewed and approved the Learjet service bulletins discussed by the commenter. While the Allied Signal Aerospace service bulletins do not contain specific procedures for replacement of the outflow/safety valves, those service bulletins do refer operators to the "airplane manufacturer's instructions" for the replacement procedures. Therefore, the Allied Signal Aerospace service bulletins are considered appropriate sources of service information for accomplishing the replacement.

In light of the commenter's remarks, however, the FAA has determined that the actions required by this AD may be accomplished in accordance with the procedures described in the Learjet service bulletins as well as the Allied Signal Aerospace service bulletins. Therefore, the final rule has been revised to reference both service information sources. In addition, the address for obtaining the Learjet service bulletins also has been added to the Addresses section of the preamble to this final rule. Further, the FAA has included in the applicability of this AD references to the Learjet service bulletins as sources for identification of airplane serial numbers on which suspect valves may be installed. (The applicability of the AD continues to reference the Allied Signal Aerospace service bulletins as the appropriate sources for identification of the affected outflow/safety valves.)

Learjet asks that the product identification statement (after the heading "Airworthiness Directives" at the beginning of the preamble to the rule) be reworded from "Learjet Model 24, 25, 31, 35, 36, and 55 Series Airplanes, and Learjet Model 28 and 29 Airplanes" to "Certain Learjet Model 24, 25, 31, 35, and 36 and All Model 28, 29, and 55 Series Airplanes." Learjet suggests that similar wording should appear throughout the rule. The FAA concurs partially. The product identification statement at the beginning of the preamble of an AD simply denotes the name of the type certificate holder or product manufacturer and the model designations of the affected airplanes. The FAA does not generally include the words "certain" or "all" in that statement; it is kept to a minimal length. However, the preamble of the final rule has been revised to include the commenter's suggested change. Further, the FAA infers from Learjet's request that its airplanes should be designated as "series" airplanes; therefore, the final rule has been revised accordingly.

Learjet also requests that the statement of unsafe condition that relates to AD 94-26-01, which appeared in the Summary section of the preamble of the proposed rule, be revised. The proposed rule indicates that the actions specified by AD 94-26-01 are intended to "prevent cracking and subsequent failure of the outflow/safety valves, which could result in rapid decompression of the airplane." The commenter suggests that the actions specified by that AD are intended to "limit the airplane operating altitude due to a possible failure of the outflow/safety valves, which could result in rapid decompression of the airplane." The FAA

concurs with the commenter's request, and has revised the wording throughout the final rule accordingly.

Learjet also requests clarification of a paragraph that appeared in the preamble of the proposal that explains "Note 1" of the AD. That Note discusses the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. Learjet asks if this paragraph addresses aircraft that no longer meet the original type design.

Although every effort was made to keep the language simple and clear in the paragraph referenced by the commenter, the FAA finds it apparent that some additional explanation is necessary to clarify for this commenter its intent. The paragraph referenced by the commenter merely explains the reason for the FAA's decision to include Note 1 in this AD. It does not change the substance of either the Note or of the regulatory effect of an AD, which the note is intended to explain. In response to the specific question posed by the commenter, in a literal sense, airplanes that have been altered "no longer meet the original type design." However, as the Note states, that fact is irrelevant to the question of whether any airplane is subject to the AD; the applicability statement of the AD stands on its own.

Learjet also requests that the economic impact information presented in the preamble to the proposal be revised to reflect the most current data available with regard to number of affected airplanes. Learjet indicates that there are approximately 1,333 airplanes of the affected design in the worldwide fleet, and that 840 of those airplanes are on the U.S. Register. Learjet also suggests that the AD reflect an estimate of 3 work hours that will be necessary for operators to inspect the outflow/safety valves installed on its airplanes. The commenter also suggests that proposed paragraph (b) be rewritten to include a requirement to inspect the outflow/safety valves to determine their part number.

The FAA concurs partially. The FAA has revised the total number of airplanes affected by this AD, as suggested by the commenter. However, the FAA does not find it necessary to include an additional requirement for an inspection to determine the part number of the outflow/safety valves, since the applicability of the AD indicates that it applies only to those airplanes having outflow/safety valves that are identified in certain Allied Signal Aerospace service bulletins. The FAA acknowledges that it will be necessary for an operator to determine if this AD applies to its fleet, and has revised the economic impact information, below, to add 3 work hours to the cost estimate, as suggested by the commenter, to account for determining if the specific part-numbered valves are installed.

Learjet also asks that the economic impact information be revised to specify that Allied Signal Aerospace is the appliance manufacturer. The FAA concurs, and has revised the information accordingly.

Learjet requests that the final paragraph of the economic impact information also be revised to specify that operators should already have complied with the AFM revision required by AD 94-26-01. The FAA concurs, and has revised the economic impact information accordingly.

Learjet also questions two paragraphs that appear in the preamble of the proposal. The first paragraph indicates that the AD does not warrant preparation of a Federalism Assessment; the second concerns the determination of the rule's economic impact on small entities

("regulatory flexibility"). The commenter suggests that a review of these two paragraphs may be necessary in light of the revised number of airplanes affected by the AD.

The FAA does not concur with the commenter's suggestion. Concerning the paragraph pertaining to the Federalism Assessment, Executive Order 12612 requires that every rule be assessed for its impact on state and local governments. In general, AD's will not have an effect on other government entities because the regulation of aviation is federally preempted by statute. State and local government are not delegated the authority to regulate aviation; therefore, there are no "parallel" local regulations that could be impacted by an AD. The paragraph concerning the Federalism Assessment is included in this rule merely to explain this required finding.

Regarding regulatory flexibility findings, very few AD's will ever reach the level of having a "significant economic impact, positive or negative, on a substantial number of small entities," since either most aircraft operators do not meet the agency's criteria for small entities, or because the cost of an individual AD usually does not exceed the agency limit for significant impact. A statement concerning the impact, or lack of it (as in the case of this AD), is required to be included in the certification statement of each AD.

Learjet also asks that paragraph (a) of the proposal be revised so that the effective date of the AD is stated as "Within 30 days after the effective date of this AD (if not previously accomplished per AD 94-26-01, amendment 39-9097)" The FAA concurs partially. The requirement of paragraph (a) of this AD was required previously by AD 94-26-01 to be accomplished within 30 days after January 3, 1995, which is the effective date of that AD. Paragraph (a) of this AD merely restates the requirements of paragraph (a) of the existing AD. As allowed by the phrase, "unless accomplished previously," which appears in the "Compliance" statement of the AD, if the requirement of paragraph (a) of that AD has already been accomplished, this final rule does not require that those actions be repeated. Therefore, the FAA finds it unnecessary to revise the compliance time specified in paragraph (a) of the final rule. However, to eliminate any confusion that may exist, the FAA has added a note to the final rule to clarify its intent with regard to restating paragraph (a) of AD 94-26-01.

Learjet also indicates that the requirement of paragraph (a) could be accomplished by inserting a copy of Learjet Temporary Flight Manual (TFM) Change 94-14, dated January 9, 1995 (for Model 24 series airplanes), or TFM Change 94-15, dated January 9, 1995 (for all models, including Model 24 series airplanes), into the AFM. The FAA concurs and has included a note after paragraph (a) of the final rule to reflect this information.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither significantly increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 1,333 Model 24, 25, 28, 29, 31, 35, 36, and 55 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 840 airplanes of U.S. registry will be affected by this proposed AD.

The AFM revision currently required by AD 94-26-01 takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures,

the total cost impact associated with the current AFM revision requirement of AD 94-26-01 on U.S. operators is estimated to be \$50,400, or \$60 per airplane.

However, based on information provided by the manufacturer, and based on the effective date of AD 94-26-01, the FAA assumes that the majority of U.S. operators will have already accomplished the AFM revision requirement. Therefore, any future economic impact of this AD can be assumed to be less than the "total cost impact" figure indicated above.

The removal and replacement of parts that are required by this new AD will take approximately 15 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. (This estimate includes 3 work hours that are required to determine the valve serial number.) However, Allied Signal (the appliance manufacturer) advises that it will reimburse operators for the costs of removal and replacement. Therefore, based on this information, the total cost impact associated with determining the valve serial number is estimated to be \$151,200, or \$180 per airplane. (U.S. operators will incur no cost impact for the removal and replacement requirements.) This total cost impact figure is based on assumptions that no operator has yet accomplished these new requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations adopted herein will not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from 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, pursuant to 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 USC 106(g), 40101, 40113, 44701.

§ 39.13 - [Amended]

2. Section 39.13 is amended by removing amendment 39-9097 (59 FR 64844, December 16, 1994), and by adding a new airworthiness directive (AD), amendment 39-9381, to read as follows:

▼ Regulatory Information

95-20-03 LEARJET: Amendment 39-9381. Docket 94-NM-211-AD. Supersedes AD 94-26-01, Amendment 39-9097.

Applicability: Model 24, 25, 28, 29, 31, 35, 36, and 55 series airplanes having airplane serial numbers listed in the Learjet service bulletins listed below; and equipped with Allied Signal outflow/safety valves, number 130406-1 or 102850-5, as identified in Allied Signal Aerospace Alert Service Bulletin 130406-21-A4011, Revision 3, dated January 5, 1995, or 102850-21-A4021, Revision 2, dated October 6, 1994; certificated in any category:

Service Bulletin Reference	Service Bulletin Revision Level	Service Bulletin Date
Learjet Service Bulletin SB 24/25-21-4	Original	January 3, 1995
Learjet Service Bulletin SB 28/29-21-8	Original	January 3, 1995
Learjet Service Bulletin SB 31-21-6	Original	January 3, 1995
Learjet Service Bulletin SB 35/36-21-19	Original	January 3, 1995
Learjet Service Bulletin SB 55/21-10	Original	January 3, 1995

NOTE 1: This AD applies to each airplane identified in the preceding applicability provision, 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 use the authority provided in paragraph (d) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

NOTE 2: Paragraph (a) of this AD merely restates the requirements of paragraph (a) of AD 94-26-01, amendment 39-9097. As allowed by the phrase, "unless accomplished previously," if those requirements of AD 94-26-01 have already been accomplished, this AD does not require that those actions be repeated.

To prevent rapid decompression of the airplane due to cracking and subsequent failure of certain outflow/safety valves, accomplish the following:

(a) Within 30 days after January 3, 1995 (the effective date of AD 94-26-01, amendment 39-9097), revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following. This may be accomplished by inserting a copy of this AD in the AFM.

"Operation of the airplane at any altitude above 41,000 feet is prohibited."

NOTE 3: Inserting a copy of Learjet Temporary Flight Manual Change 94-14, dated January 9, 1995 (for Model 24 series airplanes), or 94-15, dated January 9, 1995 (for all models, including Model 24 series airplanes), into the AFM is considered acceptable for compliance with the requirement of paragraph (a) of this AD.

(b) Within 18 months after the effective date of this AD, replace the outflow/safety valves, part numbers 130406-1 and 102850-5, as identified in Allied Signal Aerospace Alert Service Bulletin 130406-21-A4011, Revision 3, dated January 5, 1995, or 102850-21-A4021, Revision 2, dated October 6, 1994, as applicable; or as identified in Learjet Service Bulletin SB 24/25-21-4, SB 28/29-21-8, SB 31-21-6, SB 35/36-21-19, or SB 55-21-10, all dated January 3, 1995, as applicable; with serviceable parts in accordance with the procedures described in the applicable service bulletin. Accomplishment of this replacement constitutes terminating action for the requirement of paragraph (a) of this AD; after the replacement has been accomplished, the previously required AFM limitation may be removed.

(c) As of January 3, 1995 (the effective date of AD 94-26-01, amendment 39-9097), no person shall install an outflow/safety valve, part number 130406-1 or 102850-5, as identified in Allied Signal Aerospace Alert Service Bulletin 130406-21-A4011, Revision 3, dated January 5, 1995, or 102850-21-A4021, Revision 2, dated October 6, 1994, as applicable; or as identified in Learjet Service Bulletin SB 24/25-21-4, SB 28/29-21-8, SB 31-21-6, SB 35/36-21-19, or SB 55-21-10, all dated January 3, 1995, as applicable; on any airplane unless that valve is considered to be serviceable in accordance with the specifications contained in the Accomplishment Instructions of the applicable service bulletin.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

NOTE 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The replacement shall be done in accordance with Allied Signal Aerospace Alert Service

Bulletin 130406-21-A4011, Revision 3, dated January 5, 1995; Allied Signal Aerospace Alert Service Bulletin 102850-21-A4021, Revision 2, dated October 6, 1994; Learjet Service Bulletin SB 24/25-21-4, dated January 3, 1995; Learjet Service Bulletin SB 28/29-21-8, dated January 3, 1995; Learjet Service Bulletin SB 31-21-6, dated January 3, 1995; Learjet Service Bulletin SB 35/36-21-19, dated January 3, 1995; or Learjet Service Bulletin SB 55-21-10, dated January 3, 1995; as applicable. The incorporation by reference of Allied Signal Aerospace Alert Service Bulletin 102850-21-A4021, Revision 2, dated October 6, 1994, was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of January 3, 1995 (59 FR 64844). The incorporation by reference of the remainder of the documents listed was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Allied Signal, Inc., Controls & Accessories, 11100 N. Oracle Road, Tucson, Arizona 85737-9588; telephone (602) 469-1000; and Learjet, Inc., P.O. Box 7707, Wichita, Kansas 67277-7707. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 2, 1995.

▼ Footer Information