

Airworthiness Directive

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39 [59 FR 41237 NO. 154 08/11/94]

Docket No. 93-CE-27-AD; Amendment 39-8991; **AD 94-16-02**

Airworthiness Directives: Luscombe Model 8 Series Airplanes

PDF Copy (If Available):

▼ Preamble Information

AGENCY: Federal Aviation Administration, DOT

ACTION: Final rule

SUMMARY: This amendment supersedes AD 79-25-05, which currently requires repetitively inspecting the existing aluminum vertical stabilizer forward attach fitting for cracks on Luscombe Model 8 series airplanes, and replacing any cracked parts. Steel fittings are now available that, when installed, will eliminate the need for repeated removal and inspection of the aluminum fitting, which could result in damage to the fastener holes. This action requires replacing the existing aluminum fitting with a steel vertical stabilizer forward attach fitting on Luscombe Model 8 series airplanes that have round-tipped vertical stabilizer installations. The actions specified by this AD are intended to prevent failure of the vertical stabilizer as a result of a cracked fitting, which could result in loss of control of the airplane.

DATES: Effective September 19, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 19, 1994.

ADDRESSES: Service information that applies to this AD may be obtained from the Don Luscombe Aviation History Foundation, P.O. Box 63581, Phoenix, Arizona 85082; telephone (602) 693-4312. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Lirio Liu, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, 3229 E. Spring Street, Long Beach, California 90806; telephone (310) 988-5229; facsimile (310) 988-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Luscombe Model 8 series airplanes was published in the **Federal Register** on January 12, 1994 (59 FR 1676). The action proposed to supersede AD 79-25-05 with a new AD that would require replacing the existing aluminum vertical stabilizer forward attach fitting, P/N 28444 or P/N 28453, with a steel fitting manufactured by the Univair Aircraft Corporation (P/N U28444) or FAA-approved equivalent part.

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

Two commenters propose including Luscombe part number (P/N) 28415 in the list of vertical stabilizer attach fittings that should be replaced as specified in paragraph (a) of the proposal. The FAA concurs and has changed paragraph (a) of the AD to include this P/N as well as P/N 28444 and P/N 28453.

These same two commenters request including Luscombe P/N 28455 as a replacement part for the vertical stabilizer attach fittings. This part has type design approval from the FAA, and the Don Luscombe Aviation History Foundation (DLAHF) holds a Parts Manufacturer Approval (PMA). The FAA concurs that this part should be referenced in the AD and has changed paragraph (a) of the AD to include the following:

"Replace the aluminum vertical stabilizer forward attach fitting, . . . with either Luscombe P/N 28455 manufactured by the DLAHF; a welded steel fitting manufactured by the Univair Aircraft Corporation, P/N U28444; or an FAA-approved equivalent part."

Both of these commenters request replacing the installation instructions referenced as Figure 1 in the proposal with DLAHF Service Recommendation #1, dated November 28, 1993. The commenters state that this publication is basically identical to Figure 1.

The FAA concurs that this action should be accomplished in accordance with DLAHF Service Recommendation #1, dated November 28, 1993, and has changed the AD accordingly.

The third commenter recommends that the FAA more clearly state the Applicability of the proposal by only incorporating those Luscombe Model 8 series airplanes with round tip vertical stabilizers. This commenter states that all the applicable service difficulty history is based upon those stabilizers with round tips and there is no service difficulty history for those with square tips. The FAA concurs and has changed the Applicability statement of the AD to include: "Model 8 Series airplanes (all serial numbers) that have round-tipped vertical stabilizer installations, certificated in any category."

After careful review of all available information including the comments referenced above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for (1) the addition of the part numbers to the listing of the existing and replacement parts for the AD; (2) the incorporation of the DLAHF Service Recommendation #1, dated November 28, 1993, into the AD; (3) the Applicability change to the AD that limits the action to only those affected airplanes with round-tipped vertical stabilizer installations; and (4) minor editorial corrections. The FAA has determined that none of the AD modifications described above will change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 2,029 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 4 workhours per airplane to accomplish the required action, and that the average labor rate is approximately \$55 an hour. Parts cost approximately \$121 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$1,097,689. This figure is based on the assumption that no affected operator has accomplished this action.

The Univair Aircraft Corporation has informed the FAA that 194 Luscombe P/N U-28444 tail fin fittings have been sold since 1984. Based on the assumption that each of these 194 fittings is installed on an affected airplane, the future cost impact estimate for this AD is reduced by \$66,154 (4 hours labor X \$55 + \$121 parts X 194 airplanes) from \$1,097,689 to \$1,031,535.

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 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, 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 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

Section 39.13 - [AMENDED]

2. Section 39.13 is amended by removing AD 79-25-05, Amendment 39-3630, and by adding a new airworthiness directive to read as follows:

▼ Regulatory Information

94-16-02 LUSCOMBE: Amendment 39-8991; Docket No. 93-CE-27-AD. Supersedes AD 79-25-05, Amendment 39-3630.

Applicability: Model 8 Series airplanes (all serial numbers) that have round-tipped vertical stabilizer installations, certificated in any category.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent failure of the vertical stabilizer as a result of a cracked fitting, which could result in loss of control of the airplane, accomplish the following:

(a) Replace the vertical stabilizer forward attach fitting, Luscombe part number (P/N) 28415, P/N 28444, or P/N 28453, with either Luscombe P/N 28455 manufactured by the Don Luscombe Aviation History Foundation (DLAHF); a welded steel fitting manufactured by the Univair Aircraft Corporation, P/N U28444; or an FAA-approved equivalent part. Accomplish this replacement in accordance with the procedures included in DLAHF Service Recommendation #1, dated November 28, 1993.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Los Angeles Aircraft Certification Office (ACO), 3229 E. Spring Street, Long Beach, California 90806. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

(d) The replacement required by this AD shall be done in accordance with the Don Luscombe Aviation History Foundation Service Recommendation #1, dated November 28, 1993. This incorporation by reference 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 the Don Luscombe Aviation History Foundation, P.O Box 63581, Phoenix, Arizona. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39-8991) supersedes AD 79-25-05, Amendment 39-3630.

(f) This amendment becomes effective on September 19, 1994.

▼ Footer Information

▼ Comments

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