

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

[Docket No. 97-CE-16-AD; Amendment 39-11008; AD 99-02-16]

RIN 2120-AA64

**Airworthiness Directives; Raytheon Aircraft Company Models B300 and B300C Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) Models B300 and B300C airplanes (commonly referred to as Beech Models B300 and B300C airplanes). This AD requires modifying the elevator trim tab actuators by incorporating a new elevator trim tab actuator assembly kit, replacing the elevator trim tab pushrod assembly, or modifying the elevator spar opening, whichever is applicable. Reports from operators of ice forming on the elevator trim tab actuators and jamming the trim tab control prompted this action. The actions specified by this AD are intended to prevent jamming of the elevator trim tab actuator caused by ice formations, which could result in loss of control of the airplane.

**DATES:** Effective March 12, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 12, 1999.

**ADDRESSES:** Service information that applies to this AD may be obtained from the Raytheon Aircraft Company, P. O. Box 85, Wichita, Kansas 67201-0085; telephone: (800) 625-7043. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-16-AD, 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:** Mr. Steven E. Potter, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Rd., Rm 100, Wichita, Kansas 67209; telephone: (316) 946-4124; facsimile: (316) 946-4407.

**SUPPLEMENTARY INFORMATION:**

**Events Leading to the Issuance of This AD**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Raytheon Models B300 and B300C airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on August 25, 1998 (63 FR 45187). The NPRM proposed to require modifying the elevator trim tab system. Accomplishment of the proposed action as specified in the NPRM would be in accordance with the Installation Instructions in Raytheon Kit Part Number (P/N) 130-5011-3 or Raytheon Kit P/N 130-5011-9, which contain Beech Aircraft Corporation Drawing 130-5011, Revision E, dated March 21, 1996, as referenced in the COMPLIANCE section in the ACCOMPLISHMENT INSTRUCTIONS, PART I, PART II, or PART III (whichever is applicable to the airplane serial number) of Raytheon Mandatory Service Bulletin (MSB) No. 2620, Issued: November, 1996.

The NPRM was the result of reports from operators of ice forming on the elevator trim tab actuators and jamming the trim tab control.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

**The FAA's Determination**

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

**Cost Impact**

The FAA estimates that 132 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 30 workhours per airplane to accomplish this action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$5,000 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$897,600, or \$6,800 per airplane.

Raytheon has informed the FAA that parts have been distributed to equip 102 of the affected airplanes. The FAA will

presume that all 102 of the airplanes have the modification required by this AD incorporated. This will reduce the number of affected airplanes from 132 to 30 airplanes and will reduce the total cost impact on the U.S. operators from \$897,600, to \$204,000.

**Regulatory Economic Analysis**

The Regulatory Flexibility Act of 1980 was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Government regulations. This Act established "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation". To achieve this principle, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a "significant economic impact on a substantial number of small entities." If the determination is that it will, the agency must prepare a Regulatory Flexibility Analysis as described in the Act. However, if after a review for a proposed or final rule, an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, Section 605(b) of the Act provides that the head of the agency may so certify and a Regulatory Flexibility Analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The FAA has determined that this airworthiness directive (AD) will not have a significant economic impact on a substantial number of small entities.

**Review To Determine the Need for a Regulatory Flexibility Analysis**

An examination of the U. S. Registered Aircraft Database indicated that there are 132 Beech B300 and B300C aircraft registered in the United States. Ownership is held by a large number and wide variety of entities, many of them recognizable as major corporations or as financial institutions that are believed to be leasing the aircraft to unnamed entities. Many of the small entities affected by this AD are believed to be in either Standard Industrial Classification (SIC) 4522, "Air

Transportation, Nonscheduled” or SIC 4581 “Airports, Flying Fields, and Airport Terminal Services.” Under the Small Business Administration (SBA) *Table of Size Standards*, March 1, 1996, an entity in SIC 4522 would be a small entity if it has 1,500 or fewer employees and an entity in SIC 4581 would be a small entity if it has annual sales of \$5 million or less. Thus, this AD is believed likely to affect a substantial number of small entities.

The cost that will be incurred in order to bring an airplane into compliance

with this AD has been estimated to be approximately \$5,000 for parts and 30 hours of labor at \$60 per hour for installation, a total of approximately \$6,800 per airplane. All these costs are incurred at the time of installation. It is assumed that the modification of the elevator tab actuator mechanism and other associated modifications cause no significant changes in requirements for subsequent inspection and recordkeeping.

It has been estimated that the modification has already been

accomplished on the majority of the aircraft covered by this AD and that only 30 airplanes do not have the modification incorporated. This implies that the total cost arising from this AD will be approximately \$200,000 (\$6,800 x 30 = \$204,000).

A reasonable range of annualized of costs arising from this AD is suggested in the following table:

	Cost of capital (percent per year)	Remaining life of aircraft (years)	Annualized cost
10		20	\$799
15		20	1,086
10		10	1,107
15		10	1,355

The average annualized cost per airplane is estimated to be in the range of approximately \$800 to \$1,400 (consistent with 10 to 20 years of remaining life and a cost of capital of 10 to 15 percent per year). Market values for the affected airplanes are believed to be on the order of \$2,000,000 or more, with some variation depending on the airplane’s age, condition, and installed equipment. Costs for the required modifications will be in the order of one-third of one percent ( $(\$6,800 / \$2,000,000) \times 100\% = 0.34\%$ ) of the market value of an affected airplane.

Annual operating costs are estimated to include about \$46,000 for fuel and at least \$11,000 for crew. According to the *General Aviation and Air Taxi Activity and Avionics Survey, Calendar Year 1995*, FAA-APO-97-4, these aircraft fly an average of about 270 hours per year (Table 2.2). Average fuel consumption for a two-engine turboprop seating 1 through 12 passengers is about 85 gallons per hour (Table 5.1). Recent prices for Jet A fuel are \$2.00 per gallon (at <http://www.fillupflyer.com> in May 1998). This implies average annual fuel costs of approximately \$46,000 (270 hours x 85 gallons/hour x \$2/gallon = \$45,900). Two crewmembers paid a nominal \$20 per hour will cost at least \$11,000 (2 x 270 hours x \$20 = \$10,800). Annualized capital costs for the aircraft will be in the range of \$235,000 (capital recovery factor for 20 years at 10% x \$2 million = \$234,919) to \$400,000 (capital recovery factor for 10 years at 15% x \$2 million = \$398,504). Costs for maintenance, insurance, and parking will further add to the total cost for owning and operating the aircraft,

bringing the annual totals to the range of \$300,000 to \$500,000. In this context, this AD’s implied annualized costs in the range of \$800 to \$1,400 are less than three tenths of one percent of the annualized cost of owning and operating the aircraft, a level that is not believed to have a significant economic impact on the owner/operator of such aircraft.

On the basis of these considerations, the FAA has determined that, although a substantial number of small entities is likely to be affected by this proposed AD, there will not be a significant economic impact on these entities. Based on the above analysis and findings, the FAA has determined that this AD will not have significant economic impact on a substantial number of small entities.

**Regulatory Impact**

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. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

**99-02-16 Raytheon Aircraft Company** (Type Certificate No. A24CE formerly held by Beech Aircraft Corporation): Amendment 39-11008; Docket No. 97-CE-16-AD.

*Applicability:* The following models and serial number (S/N) airplanes, certificated in any category:

Models	Serial numbers
B300 .....	FL-1 through FL-23, FL-25 through FL134, FL-136, and FL-137.
B300C .....	FM-1 through FM-9, and FN-1.

**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 request approval for an alternative method of compliance in accordance with paragraph (c) 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 the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required within the next 200 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent jamming of the elevator trim tab actuator caused by ice formations, which could cause loss of control of the airplane, accomplish the following:

(a) Modify the elevator trim tab system in accordance with the Installation Instructions in Raytheon Kit Part Number (P/N) 130-5011-3 or Raytheon Kit P/N 130-5011-9, which contain Beech Aircraft Corporation Drawing 130-5011, Revision E, dated March 21, 1996, as referenced in the COMPLIANCE section in the ACCOMPLISHMENT INSTRUCTIONS, PART I, PART II, or PART III (whichever is applicable to the airplane serial number) of Raytheon Mandatory Service Bulletin (MSB) No. 2620, Issued: November, 1996.

**Note 2:** The MATERIALS section in Raytheon MSB No. 2620, Issued: November, 1996, provides a breakdown of the airplane Models and serial numbers affected by PART I, PART II, or PART III of the ACCOMPLISHMENT INSTRUCTIONS section.

(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, Wichita Aircraft Certification Office (ACO), Room 100, 1801 Airport Rd., Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(d) The modification required by this AD shall be done in accordance with the Installation Instructions in Raytheon Kit Part Number (P/N) 130-5011-3 or Raytheon Kit

P/N 130-5011-9, as referenced in Raytheon Mandatory Service Bulletin No. 2620, Issued: November, 1996. 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 Raytheon Aircraft Company, P. O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Central Region, Office of the Regional 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 becomes effective on March 12, 1999. Issued in Kansas City, Missouri, on January 13, 1999.

**Larry E. Werth,**

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

[FR Doc. 99-1446 Filed 1-25-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 98-AGL-60]

#### Establishment of Class E Airspace; Bellevue, OH

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Bellevue, OH. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) 052° helicopter point in space approach has been developed for Bellevue Hospital Heliport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action modifies existing controlled airspace for Bellevue, OH, in order to include the point in space approach serving Bellevue Hospital Heliport.

**EFFECTIVE DATE:** 0901 UTC, March 25, 1999.

**FOR FURTHER INFORMATION CONTACT:** Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

**SUPPLEMENTARY INFORMATION:**

#### History

On Monday, November 16, 1998, the FAA proposed to amend 14 CFR part 71

to establish Class E airspace at Bellevue, OH (63 FR 63623). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at Bellevue, OH, to accommodate aircraft executing the proposed GPS SIAP 052° helicopter point in space approach at Bellevue Hospital Heliport by modifying existing controlled airspace for the heliport. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).