

# 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. 97-CE-16-AD]

RIN 2120-AA64

#### Airworthiness Directives; Raytheon Aircraft Company Models B300 and B300C 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 Raytheon Aircraft Company (Raytheon) Models B300 and B300C airplanes (commonly referred to as Beech Models B300 and B300C airplanes). The proposed action would require 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 the proposed action. The actions specified by the proposed 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:** Comments must be received on or before October 20, 1998.

**ADDRESSES:** Submit comments in triplicate to 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. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Raytheon Aircraft Company, P.O. Box

85, Wichita, Kansas 67201-0085; telephone (800) 625-7043. This information also may be examined at the Rules Docket at the address above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office, 1801 Airport Rd., RM 100, Wichita, Kansas 67209; telephone (316) 946-4124; facsimile (316) 946-4407.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 97-CE-16-AD." The postcard will be date stamped and returned to the commenter.

##### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the 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.

##### Discussion

The FAA has recently received several reports that owners/operators

are experiencing difficulty operating the elevator trim tabs in freezing weather conditions on certain Raytheon Models B300 and B300C airplanes. The elevator trim tab actuator spur gears are freezing up and jamming, causing immobilization of the elevator trim tab system. Investigation of the incident reports reveal that the spur gear in the drive mechanism is not breaking up the ice that is collecting in the elevator trim tab actuator. This condition could result in loss of mobility in the elevator trim tab system.

Further analysis shows that a helical gear will allow the ice to be driven or crushed out of the gear mechanism more easily, allowing the elevator trim tab actuator to move more freely during these weather conditions.

##### Relevant Service Information

Raytheon has issued Mandatory Service Bulletin No. 2620, Issued: November, 1996, which specifies procedures for modifying the elevator trim tab actuator by performing Part I, II, or III of the Accomplishment Instructions.

The modification would be accomplished by either installing a new elevator actuator trim tab assembly kit, installing a push rod assembly, or modifying the elevator spar opening, whichever is applicable. The elevator trim tab actuator assembly kits (Raytheon Service Kit No. 130-5011-3 or No. 130-5011-9, whichever is applicable to the airplane's serial number) provide installation procedures for incorporating the assembly.

##### The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, including the referenced service information, the FAA has determined that AD action should be taken to prevent the elevator trim tab actuator from freezing and jamming, which, if not corrected, could cause loss of control of the airplane.

##### Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Raytheon Models B300 and B300C airplanes of the same type design, the proposed AD would require modifying the elevator trim tab system. Accomplishment of the proposed AD

would be in accordance with Raytheon Mandatory Service Bulletin No. 2620, Issued: November, 1996, and the elevator trim tab assembly kit installation instructions (Raytheon Service Kit No. 130-5011-3 or No. 130-5011-9, whichever is applicable to the airplane's serial number).

### Cost Impact

The FAA estimates that 145 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 30 workhours per airplane to accomplish the proposed 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 the proposed AD on U.S. operators is estimated to be \$986,000 or \$6,800 per airplane.

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

The FAA would presume that 102 of the 145 airplanes would have already accomplished the proposed action, thereby reducing the number of affected airplanes from 145 to 43 airplanes, which would reduce the total cost impact on the U.S. operators from \$986,000, to \$292,400.

### 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 proposed airworthiness directive (AD) would 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 proposed 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 proposed AD is believed likely to affect a substantial number of small entities.

The cost that would be incurred in order to bring an airplane into compliance with the proposed 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 proposed modification has already been accomplished on the majority of the aircraft covered by this proposed AD and that only 43 airplanes do not have the proposed modification incorporated. This implies that the total cost arising from the proposed AD would be approximately \$300,000 ( $\$6,800 \times 43 = \$292,400$ ).

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

Cost of capital (% per yr.)	Remaining life of air- craft (in 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 would 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 ( $270 \text{ hours} \times 85 \text{ gallons/hour} \times \$2/\text{gallon} = \$45,900$ ). Two crewmembers paid a nominal \$20 per hour would cost at least \$11,000 ( $2 \times 270 \text{ hours} \times \$20 = \$10,800$ ). Annualized capital costs for the aircraft would be in the range of \$235,000 (capital recovery factor for 20 years at 10%  $\times \$2 \text{ million} = \$234,919$ ) to \$400,000 (capital recovery factor for 10 years at 15%  $\times \$2 \text{ million} = \$398,504$ ). Costs for maintenance, insurance, and parking would 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, the proposed 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 would not be a significant economic impact on these entities.

Based on the above analysis and findings, the FAA has determined that this proposed AD will not have significant economic impact on a substantial number of small entities.

### Regulatory Impact

The regulations proposed herein would 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 proposal would 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) 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, pursuant to 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. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

#### Raytheon Aircraft Company (Type

Certificate No. A24CE formerly held by Beech Aircraft Corporation): Docket No. 97-CE-16-AD.

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

Models	Serial Nos.
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 Installations 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, 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 Aircraft Certification Office.

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

(d) All persons affected by this directive may obtain copies of the documents referred

to herein upon request to Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085, or may examine these documents at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on August 18, 1998.

**James E. Jackson,**

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

[FR Doc. 98-22700 Filed 8-24-98; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-CE-83-AD]

RIN 2120-AA64

### Airworthiness Directives; HOAC-Austria Model DV 20 Katana 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 HOAC-Austria (HOAC) Model DV 20 airplanes equipped with ROTAX 912 A3 engines. The proposed action would require replacing the engine electronic modules. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Austria. The actions specified by the proposed AD are intended to prevent electromagnetic interference (EMI) on the engine electronic module, which could cause the airplane engine to stop due to the interruption of the airplane's ignition system and result in loss of control of the airplane.

**DATES:** Comments must be received on or before September 21, 1998.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-83-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from HOAC-Austria, N.A. Otto-StraBe 5, A-2700 Wiener. Neustadt, Austria. This information also may be examined at the Rules Docket at the address above.