

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2008-0748 Directorate Identifier 2008-CE-041-AD; Amendment 39-15677; AD 2008-19-10]**

**RIN 2120-AA64**

#### **Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes**

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

**ACTION:** Final rule.

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**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued 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:

It has been discovered that a risk of mechanical interference exists in the movement of the emergency landing gear by-pass selector, due to an insufficient functional gap between a floor panel attachment lug and the landing gear control button.

This condition, if not corrected, causes mechanical interference which could result in a situation where, during emergency procedures, the landing gear cannot be extended.

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective October 23, 2008.

On October 23, 2008, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4119; fax: (816) 329-4090.

## **SUPPLEMENTARY INFORMATION:**

### **Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the Federal Register on July 8, 2008 (73 FR 38935). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

It has been discovered that a risk of mechanical interference exists in the movement of the emergency landing gear by-pass selector, due to an insufficient functional gap between a floor panel attachment lug and the landing gear control button.

This condition, if not corrected, causes mechanical interference which could result in a situation where, during emergency procedures, the landing gear cannot be extended.

For the reasons described above, this EASA Emergency Airworthiness Directive (AD) requires a check of the gap between the landing gear control button and the floor panel and, if the gap is found to be insufficient, modification of the floor panel.

### **Comments**

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

### **Conclusion**

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

### **Differences Between This AD and the MCAI or Service Information**

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the AD.

### **Costs of Compliance**

We estimate that this AD will affect 72 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with basic requirements of this AD. The average labor rate is \$80 per work-hour (no labor cost; work-hour warranty given by manufacturer until May 31, 2009).

Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$5,760 or \$80 per product.

### **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 rulemaking action.

### **Regulatory Findings**

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect 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.

For the reasons discussed above, I certify this AD:

- (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.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD Docket.

### **Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

### **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 FAA amends 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. The FAA amends § 39.13 by adding the following new AD:



**2008-19-10 EADS SOCATA:** Amendment 39-15677; Docket No. FAA-2008-0748; Directorate Identifier 2008-CE-041-AD.

**Effective Date**

- (a) This airworthiness directive (AD) becomes effective October 23, 2008.

**Affected ADs**

- (b) None.

**Applicability**

- (c) This AD applies to TBM 700 airplanes, serial numbers 364, 367, and 370 through 439, certificated in any category.

**Subject**

- (d) Air Transport Association of America (ATA) Code 53: Fuselage.

**Reason**

- (e) The mandatory continuing airworthiness information (MCAI) states:

"It has been discovered that a risk of mechanical interference exists in the movement of the emergency landing gear by-pass selector, due to an insufficient functional gap between a floor panel attachment lug and the landing gear control button.

This condition, if not corrected, causes mechanical interference which could result in a situation where, during emergency procedures, the landing gear cannot be extended.

For the reasons described above, this EASA Emergency Airworthiness Directive (AD) requires a check of the gap between the landing gear control button and the floor panel and, if the gap is found to be insufficient, modification of the floor panel."

**Actions and Compliance**

- (f) For airplanes that have had the floor panel removed for maintenance or if it cannot be positively determined that the floor panel has not been removed at any time, do the following actions, unless already done:

(1) Before further flight after October 23, 2008 (the effective date of this AD), inspect the gap between the landing gear control button and the floor panel. Do the inspection following paragraph A of the Accomplishment Instructions in EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70-154, dated April 2008.

(2) If the gap is below the limits specified in paragraph A of EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70-154, dated April 2008, before further flight after the inspection required in paragraph (f)(1) of this AD, modify the floor panel following paragraph C of the Accomplishment Instructions in EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70-154, dated April 2008.

(3) If the gap is at or above the limits specified in paragraph A of EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70-154, dated April 2008, before further flight after the inspection required in paragraph (f)(1) of this AD, recondition the airplane following paragraph D of the Accomplishment Instructions in EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70-154, dated April 2008.

(g) For airplanes in which it can be positively determined that the floor panel has not been removed at any time, within the next 30 days after October 23, 2008 (the effective date of this AD), do the following actions, unless already done:

(1) Inspect the gap between the landing gear control button and the floor panel. Do the inspection following paragraph A of the Accomplishment Instructions in EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70-154, dated April 2008.

(2) If the gap is below the limits specified in paragraph A of EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70-154, dated April 2008, before further flight after the inspection required in paragraph (g)(1) of this AD, modify the floor panel following paragraph C of the Accomplishment Instructions in EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70-154, dated April 2008.

(3) If the gap is at or above the limits specified in paragraph A of EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70-154, dated April 2008, before further flight after the inspection required in paragraph (g)(1) of this AD, recondition the airplane following paragraph D of the Accomplishment Instructions in EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70-154, dated April 2008.

## **FAA AD Differences**

Note: This AD differs from the MCAI and/or service information as follows: No differences.

## **Other FAA AD Provisions**

(h) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4119; fax: (816) 329-4090. 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.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

## **Special Flight Permit**

(i) A single ferry flight of the airplane with landing gear extended is allowed in order to reach the nearest maintenance facility where the inspection and modification is to be done.

## **Related Information**

(j) Refer to MCAI European Aviation Safety Agency (EASA) Emergency AD No. 2008-0081-E, dated April 25, 2008; and EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70-154, dated April 2008 for related information.

## **Material Incorporated by Reference**

(k) You must use EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70-154, dated April 2008 to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact EADS SOCATA, Direction des Services, 6921 Tarbes Cedex 9, France; or SOCATA AIRCRAFT, INC., North Perry Airport, 7501 South Airport Road, Pembroke Pine, Florida 33023.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Kansas City, Missouri, on September 8, 2008.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

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