DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


RIN 2120–AA64

Airworthiness Directives; 328 Support Services GmbH Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding an existing airworthiness directive (AD) for all 328 Support Services GmbH (Type Certificate previously held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328–100 and –300 airplanes. That AD currently requires performing a detailed visual inspection of the cockpit door locking device and the surrounding area for proper installation, and corrective action if necessary. This new AD requires removing or replacing the locking device of the cockpit door; performing operational tests, and repair if necessary; and, for certain airplanes, installing gap filler parts. This AD was prompted by a report that a right-hand power lever jammed in flight-idle position during the landing roll-out, and the airplane was stopped by excessive braking. We are issuing this AD to detect and correct interference with the engine and flight control cables, which could result in reduced controllability of the airplane.

DATES: This AD becomes effective May 10, 2012.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 10, 2012.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of November 20, 2009 (74 FR 53151, October 16, 2009).

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


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 December 12, 2011 (76 FR 77159), and proposed to supersede AD 2009–21–06, Amendment 39–16043 (74 FR 53151, October 16, 2009). That NPRM proposed to correct an unsafe condition for the specified products.

The MCAI states:

An incident has been reported with a Dornier 328–100 aeroplane, where the righthand (RH) power lever jammed in flight-idle position during the landing roll-out. The airplane was stopped by excessive braking. The reason for the jamming was that the cockpit door locking device Part Number (P/N) 001A252A3914012 had fallen off the RH cockpit wall, blocking the RH power/condition lever pulley/cable cluster below the door. Although the affected aeroplane had been modified, the technical investigation showed that a loose Cockpit Door Locking device could also occur on 328–100 and 328–300 aeroplanes with a standard installation.

This condition, if not corrected, could cause interference with the engine and/or flight control cables, possibly resulting in reduced control of the aeroplane.

To address that unsafe condition, EASA issued AD 2009–0062 [which corresponds to FAA AD 2009–21–06, Amendment 39–16043 (74 FR 53151, October 16, 2009)] as an interim solution, to require a one-time inspection of the cockpit door locking device and the surrounding area and the reporting of all findings to the TC [type certificate] holder.

Since that AD was issued, the TC holder has developed an improved cockpit door locking device, P/N 001A252A3914016. Consequently, this [EASA] AD retains the requirements of [EASA] AD 2009–0062, which is superseded, and requires the replacement of the current P/N 001A252A3914012 with new designed P/N 001A252A3914016 cockpit door locking device, or the removal of the cockpit door locking device P/N 001A252A3914012 and the installation of a gap filler, as applicable to aeroplane configuration.

The required actions include performing operational tests, and repair if necessary. You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (76 FR 77159, December 12, 2011) 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—except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (76 FR 77159, December 12, 2011) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (76 FR 77159, December 12, 2011).

Costs of Compliance

We estimate that this AD will affect 59 products of U.S. registry.

The actions that are required by AD 2009–21–06, Amendment 39–16043 (74 FR 53151, October 16, 2009), and retained in this AD take about 1 work-hour per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the currently required actions is $85 per product.

We estimate that it will take about 6 work-hours per product to comply with the new basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $2,315 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $166,675, or $2,825 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 that this AD:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. 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 Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM (76 FR 77159, December 12, 2011), the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations 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

§ 39.13 [Amended]

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 removing an airworthiness directive (AD) 2009–21–06, Amendment 39–16043 (74 FR 53151, October 16, 2009), and adding the following new AD:

2012–07–03 328 Support Services GmbH

(a) Effective Date

This airworthiness directive (AD) becomes effective May 10, 2012.

(b) Affected ADs

This AD supersedes AD 2009–21–06, Amendment 39–16043 (74 FR 53151, October 16, 2009).

(c) Applicability

This AD applies to 328 Support Services GmbH (Type Certificate previously held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328–100 and –300 airplanes, certificated in any category, all serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 25: Equipment/Furnishings.

(e) Reason

This AD was prompted by a report that a right-hand power lever jammed in flight-idle position during the landing roll-out, and the airplane was stopped by excessive braking. We are issuing this AD detect and correct interference with the engine and flight control cables, which could result in reduced controllability of the airplane.

(f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

(g) Restatement of Certain Requirements of AD 2009–21–06, Amendment 39–16043

(74 FR 53151, October 16, 2009): Inspection

Within 3 months after November 20, 2009 (the effective date of AD 2009–21–06, Amendment 39–16043 (74 FR 53151, October 16, 2009)), do a detailed visual inspection of the cockpit door locking device and the surrounding area for proper installation, in accordance with the Accomplishment Instructions of 328 Support Services Service Bulletin SB–328–25–485 or SB–328–25–235, both dated January 28, 2009, as applicable.

(i) New Requirements of This AD: Install, Replace, and Test

Within 4,000 flight hours or 24 months after the effective date of this AD, whichever occurs first, do the applicable actions specified in paragraph (i)(1) or (i)(2) of this AD.
(m) Related Information

Refer to MCAI EASA Airworthiness Directive 2010–0169, dated August 13, 2010, and the service bulletins specified in paragraphs (m)(1) through (m)(6) of this AD for related information.


(n) Material Incorporated by Reference

(1) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference (IBR) of the following service information under 5 U.S.C. 552(a) and 1 CFR part 51 on the date specified:


