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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

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

**[Docket No. 2002-NM-300-AD; Amendment 39-13542; AD 2004-06-16]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Dornier Model 328-100 Series Airplanes**

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

**ACTION:** Final rule.

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**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328-100 series airplanes, that requires repetitive inspections of certain support arms of the ground spoiler assemblies for cracking, and replacement of any ground spoiler assembly having cracking with a new ground spoiler assembly. This amendment would also require certain inspections for discrepancies of the ground spoiler assemblies and the flap of each wing; and corrective actions if necessary. This action is necessary to prevent failure of the support arms due to cracking, which could result in loss of function and/or separation of the affected ground spoiler assemblies from the airplane, and consequent reduced controllability of the airplane during landing or rejected take-off operations. This action is intended to address the identified unsafe condition.

**DATES:** Effective May 4, 2004.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 4, 2004.

**ADDRESSES:** The service information referenced in this AD may be obtained from AvCraft Aerospace GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328-100 series airplanes was published in the Federal Register on January 27, 2004 (69 FR 3861). That action proposed to require repetitive inspections of certain support arms of the ground spoiler assemblies for cracking, and replacement of any ground spoiler assembly having cracking with a new ground spoiler assembly. That action also proposed to require certain inspections for discrepancies of the ground spoiler assemblies and the flap of each wing; and corrective actions if necessary.

## **Comments**

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

## **Conclusion**

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

## **Cost Impact**

We estimate that 53 airplanes of U.S. registry will be affected by this AD.

It will take approximately 2 work hours per airplane to accomplish the general visual, contour, and clearance inspections of the ground spoilers, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of these inspections on U.S. operators is estimated to be \$6,890, or \$130 per airplane.

It will take approximately 4 work hours per airplane to accomplish the inspection of the support arms for the ground spoilers, at an average labor rate of \$65 per work hour. Based on these figures, the cost impact of this inspection on U.S. operators is estimated to be \$13,780, or \$260 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

## **Regulatory Impact**

The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from 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 the following new airworthiness directive:

# AIRWORTHINESS DIRECTIVE



Aircraft Certification Service  
Washington, DC

U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

*We post ADs on the internet at "www.faa.gov"*

The following Airworthiness Directive issued by the Federal Aviation Administration in accordance with the provisions of Title 14 of the Code of Federal Regulations (14 CFR) part 39, applies to an aircraft model of which our records indicate you may be the registered owner. Airworthiness Directives affect aviation safety and are regulations which require immediate attention. You are cautioned that no person may operate an aircraft to which an Airworthiness Directive applies, except in accordance with the requirements of the Airworthiness Directive (reference 14 CFR part 39, subpart 39.3).

**2004-06-16 Fairchild Dornier GmbH (Formerly Dornier Luftfahrt GmbH):** Amendment 39-13542. Docket 2002-NM-300-AD.

**Applicability:** Model 328-100 series airplanes, as listed in Dornier Service Bulletin SB-328-57-435, Revision 1, dated August 7, 2002; and Dornier Service Bulletin SB-328-57-439, Revision 1, dated March 10, 2003; certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent failure of the support arms of the ground spoiler assemblies due to cracking, which could result in loss of function and/or separation of the affected ground spoiler assemblies from the airplane, and consequent reduced controllability of the airplane during landing or rejected take-off operations, accomplish the following:

## **Visual, Contour, and Clearance Inspections of Ground Spoilers, and Corrective Actions**

(a) Within 400 flight cycles after the effective date of this AD: Do the inspections for discrepancies of the ground spoiler assemblies and the wing flaps by doing all the actions per the Accomplishment Instructions of Dornier Service Bulletin SB-328-57-439, Revision 1, dated March 10, 2003. Any applicable corrective action must be done before further flight per the service bulletin.

**Note 1:** For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

## **Inspection of Ground Spoiler Support Arms**

(b) Within 4 weeks after the effective date of this AD, or prior to the accumulation of 4,000 total flight cycles, whichever is later: Do an eddy current inspection for cracking in the bottom edge of the flange for ground spoiler support arms No. 3 and No. 8, left and right sides of the airplane. Do the inspection by accomplishing all of the actions per the Accomplishment Instructions of Dornier Service Bulletin SB-328-57-435, Revision 1, dated August 7, 2002. Repeat the inspection thereafter at intervals not to exceed 1,000 flight cycles.

## **Corrective Action**

(c) If any cracking is found during any inspection required by paragraph (b) of this AD, before further flight, replace the affected ground spoiler assembly with a new ground spoiler assembly per the applicable section(s) of chapters 27 or 57 of the Dornier Model 328-100 Airplane Maintenance Manual.

## **Certain Recommendations in Service Bulletins Not Required**

(d) Dornier Service Bulletin SB-328-57-435, Revision 1, dated August 7, 2002, states to contact Dornier if any crack is found in a support arm for a ground spoiler, and to send the affected ground spoiler to Dornier, but those actions are not required by this AD. Dornier Service Bulletin SB-328-57-439, Revision 1, dated March 10, 2003, recommends that inspection results for cracking of support arms be sent to Dornier, but that action is not required by this AD.

## **Alternative Methods of Compliance**

(e) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

## **Incorporation by Reference**

(f) Unless otherwise specified in this AD, the actions shall be done in accordance with Dornier Service Bulletin SB-328-57-435, Revision 1, dated August 7, 2002; and Dornier Service Bulletin SB-328-57-439, Revision 1, dated March 10, 2003; as applicable. 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 AvCraft Aerospace GmbH, P.O. Box 1103, D-82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 2:** The subject of this AD is addressed in German airworthiness directives 2002-258, dated September 5, 2002, and 2003-357, dated November 11, 2003.

## **Effective Date**

(g) This amendment becomes effective on May 4, 2004.

Issued in Renton, Washington, on March 19, 2004.

Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04-6683 Filed 3-29-04; 8:45 am]

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