

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 98-NM-140-AD; Amendment 39-11003; AD 99-02-11]

RIN 2120-AA64

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

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328-100 series airplanes. This amendment requires repetitive tests to detect internal leakage of hydraulic fluid within the hydraulic components of the ground spoiler system and to detect a buildup of pressure in the return line of the bypass valve, and corrective action, if necessary; installation of additional hydraulic lines and an additional hydraulic shutoff valve in the ground spoiler system; and replacement of the valve block of the ground spoiler system with a new part. This amendment also requires eventual replacement of the relief restrictor valves of the ground spoiler system with redesigned parts, which constitutes terminating action for the repetitive tests. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent the ground spoilers from unlocking and deploying during takeoff or in flight, and consequent reduced controllability of the airplane.

**DATES:** Effective February 25, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 25, 1999.

**ADDRESSES:** The service information referenced in this AD may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt 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:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601

Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; 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 July 22, 1998 (63 FR 39252). That action proposed to require repetitive tests to detect internal leakage of hydraulic fluid within the hydraulic components of the ground spoiler system and to detect a buildup of pressure in the return line of the bypass valve, and corrective action, if necessary; installation of additional hydraulic lines and an additional hydraulic shutoff valve in the ground spoiler system; and replacement of the valve block of the ground spoiler system with a new part. That action also proposed to require eventual replacement of the relief restrictor valves of the ground spoiler system with redesigned parts, which would constitute terminating action for the repetitive tests.

**Comment Received**

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comment received.

One commenter, the manufacturer, expresses no objection to the proposed AD, but submits comments to inform the FAA that a new technical solution has been developed in the form of Dornier Service Bulletin SB-328-29-269, dated July 16, 1998 [which is referenced in the proposed AD as the appropriate source of service information for installation of additional hydraulic lines and an additional hydraulic shutoff valve in the ground spoiler system]. The commenter states that it has classified this service bulletin as optional, and that the service bulletin can be incorporated as an alternate means of compliance to the actions described in Dornier Service Bulletin SB-328-29-237. The commenter further advises that the Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, is considering amendment of related German airworthiness directive 1998-031 to include Dornier Service Bulletin SB-328-29-269 as an alternate means of compliance.

The FAA infers that the commenter is suggesting that Dornier Service Bulletin SB-328-29-269, dated July 16, 1998, be added to the AD as an alternative method of compliance. The FAA has reviewed the service bulletin, and

concur that accomplishment of Dornier Service Bulletin SB-328-29-269 is an acceptable alternative method of compliance for the actions required by paragraph (b) of this AD. The FAA has added a new **Note 2** to include this provision in the final rule.

**Conclusion**

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

**Cost Impact**

The FAA estimates that 11 airplanes of U.S. registry will be affected by this AD.

It will take approximately 3 work hours per airplane to accomplish the required tests, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the tests required by this AD on U.S. operators is estimated to be \$180 per airplane, per test cycle.

It will take approximately 16 work hours per airplane to accomplish the required installation, at an average labor rate of \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to operators. Based on these figures, the cost impact of the installation required by this AD on U.S. operators is estimated to be \$960 per airplane.

It will take approximately 2 work hours per airplane to accomplish the required replacement of the relief restrictor valves, at an average labor rate of \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to operators. Based on these figures, the cost impact of this replacement required by this AD on U.S. operators is estimated to be \$120 per airplane.

It will take approximately 2 work hours per airplane to accomplish the required replacement of the valve block, at an average labor rate of \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to operators. Based on these figures, the cost impact of this replacement required by this AD on U.S. operators is estimated to be \$120 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.

### 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 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:

#### 99-02-11 Dornier Luftfahrt GMBH:

Amendment 39-11003. Docket 98-NM-140-AD.

**Applicability:** Model 328-100 series airplanes, certificated in any category, equipped with active ground spoiler option 040-001; as listed in the following service bulletins:

- Dornier Service Bulletin SB-328-29-220, Revision 1, dated May 4, 1998;
- Dornier Service Bulletin SB-328-29-237, Revision 1, dated December 17, 1997;

- Dornier Service Bulletin SB-328-27-243, Revision 1, dated December 18, 1997; and

- Dornier Service Bulletin SB-328-27-228, Revision 1, dated December 18, 1997.

**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 (f) 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 as indicated, unless accomplished previously.

To prevent the ground spoilers from unlocking and deploying during takeoff or in flight, and consequent reduced controllability of the airplane, accomplish the following:

(a) Prior to the accumulation of 3,000 total flight hours, or within 300 flight hours after the effective date of this AD, whichever occurs later: Perform tests to detect internal leakage of hydraulic fluid within the hydraulic components of the ground spoiler system and to detect a buildup of pressure in the return line of the bypass valve, in accordance with Dornier Service Bulletin SB-328-29-220, dated May 20, 1997, or Dornier Service Bulletin SB-328-29-220, Revision 1, dated May 4, 1998.

(1) If no discrepancy is detected, repeat the tests thereafter at intervals not to exceed 3,000 flight hours, until accomplishment of the replacement required by paragraph (c) of this AD.

(2) If any discrepancy is detected, prior to further flight, accomplish the replacement required by paragraph (c) of this AD.

(b) Install additional hydraulic lines and an additional hydraulic shutoff valve in the ground spoiler system, in accordance with Dornier Service Bulletin SB-328-29-237, Revision 1, dated December 17, 1997, at the applicable time specified in either paragraph (b)(1) or (b)(2) of this AD.

(1) For airplanes having serial numbers up to and including 3086, equipped with ground spoiler actuator, part number 1059A0000-02: Install within 12 months after the effective date of this AD.

(2) For airplanes having serial numbers up to and including 3086, and equipped with ground spoiler actuator, part number 1059A0000-03: Install within 7 days after the effective date of this AD.

**Note 2:** Replacement of hydraulic lines and removal of the hydraulic shutoff valve in accordance with Dornier Service Bulletin SB-328-29-269, dated July 16, 1998, is an acceptable alternative method of compliance for the actions required by paragraph (b) of this AD.

(c) Replace the relief restrictor valves of the ground spoiler system, part number ZRV87-

2, with a redesigned valve having part number ZRV87-3, in accordance with Dornier Service Bulletin SB-328-27-243, Revision 1, dated December 18, 1997, at the applicable time specified in either paragraph (c)(1) or (c)(2) of this AD. Accomplishment of this replacement constitutes terminating action for the repetitive tests required by paragraph (a) of this AD.

(1) For airplanes having serial numbers up to and including 3098, equipped with ground spoiler actuator, part number 1059A0000-02: Replace within 12 months after the effective date of this AD.

(2) For airplanes having serial numbers up to and including 3098, equipped with ground spoiler actuator, part number 1059A0000-03: Replace within 7 days after the effective date of this AD.

(d) Replace the valve block of the ground spoiler system with a new part, in accordance with Dornier Service Bulletin SB-328-27-228, Revision 1, dated December 18, 1997, at the applicable time specified in either paragraph (d)(1) or (d)(2) of this AD.

(1) For airplanes having serial numbers up to and including 3095, equipped with ground spoiler actuator, part number 1059A0000-02: Replace within 12 months after the effective date of this AD.

(2) For airplanes having serial numbers up to and including 3095, equipped with ground spoiler actuator, part number 1059A0000-03: Replace within 7 days after the effective date of this AD.

(e) As of the effective date of this AD, no person shall install on the ground spoiler system of any airplane, a valve block, part number 1060A0000-05, or a relief restrictor valve, part number ZRV87-2.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

(g) 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.

(h) The actions shall be done in accordance with Dornier Service Bulletin SB-328-29-220, dated May 20, 1997; Dornier Service Bulletin SB-328-29-220, Revision 1, dated May 4, 1998; Dornier Service Bulletin SB-328-29-237, Revision 1, dated December 17, 1997; Dornier Service Bulletin SB-328-27-243, Revision 1, dated December 18, 1997; and Dornier Service Bulletin SB-328-27-228, Revision 1, dated December 18, 1997, 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 FAIRCHILD DORNIER, DORNIER

Luftfahrt 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 4:** The subject of this AD is addressed in German airworthiness directives 97-189, dated June 19, 1997; 1998-031, dated January 15, 1998; 1998-046, dated January 29, 1998; and 1997-331/2, dated March 12, 1998.

(i) This amendment becomes effective on February 25, 1999.

Issued in Renton, Washington, on January 12, 1999.

**Darrell M. Pederson,**

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

[FR Doc. 99-1183 Filed 1-20-99; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 98-AWP-34]

#### Revocation of Class E Airspace, Revision of Class D Airspace; Torrance, CA

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

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This action will revoke the Class E airspace arrival extensions and revise the Class D airspace area for Torrance Municipal Airport, CA.

**DATES:** *Effective Date:* 0901 UTC March 25, 1999. *Comment date:* Comments for inclusion in the Rules Docket must be received on or before February 22, 1999.

**ADDRESSES:** Send comments on the direct final rule in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP-520, Docket No. 98-AWP-34, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

**FOR FURTHER INFORMATION CONTACT:** Debra Trindle, Air Traffic Division, Airspace Specialist, AWP-520.10,

Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6613.

**SUPPLEMENTARY INFORMATION:** The intended effect of this action is to incorporate the Class E airspace arrival extensions (E4) into the Class D airspace area associated with Torrance Municipal Airport and lower the ceiling of the reconfigured Class D airspace area to 2,400 feet Mean Sea Level (MSL). An airspace review and analysis of Torrance has made this action necessary. In accordance with FAA Order 7400.2D, Procedures for Handling Airspace Matters, if the length of an arrival extension is less than 2 miles from the surface area, it shall remain a part of the basic surface area. This is the case at Torrance Municipal Airport. The existing Class E airspace for Torrance was published and charted in error as an arrival extension and should be a part of the Class D surface area. The revised altitude of 2,400 feet MSL will provide aircraft the opportunity to operate over Torrance Class D airspace at 2,500 feet MSL and above without having to obtain permission from Torrance Airport Traffic Control Tower. This is a commonly used altitude in this area for aircraft flying off shore to avoid the Los Angeles Class B airspace. Class D airspace areas are published in Paragraph 5000 and Class E4 airspace areas are published in Paragraph 6004 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 would be subsequently removed from this Order.

#### The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. A substantial number of previous opportunities provided to the public to comment on essentially identical actions have resulted in negligible adverse comments or objections. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA

does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

#### Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98-AWP-34." The postcard will be date stamped and returned to the commenter.

#### Agency Findings

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.

The FAA has determined that this regulation is noncontroversial and