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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2005-20866; Directorate Identifier 2004-NM-258-AD; Amendment 39-14140; AD 2005-13-04]

RIN 2120-AA64

Airworthiness Directives; Aircraft Dornier Model 328-100 and -300 Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Aircraft Dornier Model 328-100 and -300 airplanes. This AD requires a pressure test and detailed inspection of each fuselage drain line to determine if there is a blockage, and related investigative/corrective actions if necessary. This AD is prompted by a report of leakage at one of the drain lines in the fuselage. We are issuing this AD to prevent blockage within the drain lines, causing fluids to collect. These fluids may freeze and expand, damaging the drain lines, and allowing fuel to leak into the cabin and fuel vapors to come into contact with ignition sources, which could result in consequent fire in the cabin.

DATES: This AD becomes effective July 26, 2005.

The incorporation by reference of certain publications listed in the AD is approved by the Director of the Federal Register as of July 26, 2005.

ADDRESSES: For service information identified in this AD, contact AvCraft Aerospace GmbH, P.O. Box 1103, D-82230 Wessling, Germany.

Docket: The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Washington, DC. This docket number is FAA-2005-20866; the directorate identifier for this docket is 2004-NM-258-AD.

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: The FAA proposed to amend 14 CFR part 39 with an AD for certain Avcraft Dornier Model 328-100 and -300 series airplanes. That action, published in the Federal Register on April 6, 2005 (70 FR 17357), proposed to require a pressure test and detailed inspection of each fuselage drain line to determine if there is a blockage, and related investigative/corrective actions if necessary.

Comments

We provided the public the opportunity to participate in the development of this AD. No comments have been submitted on the proposed AD or on the determination of the cost to the public.

Explanation of Change to Applicability

We have revised the applicability of the proposed AD to identify model designations as published in the most recent type certificate data sheet for the affected models. In addition, we noticed that we had inadvertently reversed the qualifiers of the airplane models specified in the applicability of the proposed AD. The applicability for this AD has been corrected for this AD and now reads, "This AD applies to Avcraft Dornier Model 328-100 series airplanes having serial numbers 3005 through 3119 inclusive, and Avcraft Dornier Model 328-300 series airplanes without option 033F003 "Extended Range" installed; certificated in any category."

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

We estimate that this AD affects about 53 Model 328-100 airplanes and 57 Model 328-300 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Pressure test	2	\$65	None	\$130	110	\$14,300
Detailed inspection	5	65	None	325	110	35,750

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 have 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 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. See the ADDRESSES section for a location to examine the regulatory evaluation.

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 airworthiness directive (AD):

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).

2005-13-04 AvCraft Aerospace GmbH (Formerly Fairchild Dornier GmbH): Amendment 39-14140. Docket No. FAA-2005-20866; Directorate Identifier 2004-NM-258-AD.

Effective Date

- (a) This AD becomes effective July 26, 2005.

Affected ADs

- (b) None.

Applicability

- (c) This AD applies to AvCraft Dornier Model 328-100 series airplanes having serial numbers 3005 through 3119 inclusive, and AvCraft Dornier Model 328-300 series airplanes without option 033F003 "Extended Range" installed; certificated in any category.

Unsafe Condition

- (d) This AD was prompted by a report of leakage at one of the drain lines in the fuselage. We are issuing this AD to prevent blockage within the drain lines, causing fluids to collect. These fluids may freeze and expand, damaging the drain lines, and allowing fuel to leak into the cabin and fuel vapors to come into contact with ignition sources, which could result in consequent fire in the cabin.

Compliance

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

Initial Pressure Test

- (f) Within 4 months after the effective date of this AD: Perform an initial pressure test and any applicable related investigative and corrective actions in accordance with the Accomplishment Instructions of Avcraft Service Bulletin SB-328-53-462, Revision 1, dated July 15, 2004 (for Model 328-100 series airplanes); or SB-328J-53-214, Revision 1, dated July 15, 2004 (for Model 328-300 series airplanes); as applicable. Do any applicable related investigative or corrective action before further flight.

Detailed Inspection

(g) After doing the pressure test required by paragraph (f) of this AD, but not later than 24 months after the effective date of this AD: Perform a detailed inspection and related investigative and corrective actions, in accordance with Part 2 of the Accomplishment Instructions of Avcraft Service Bulletin SB-328-53-462, Revision 1, dated July 15, 2004; or SB-328J-53-214, Revision 1, dated July 15, 2004; as applicable.

Note 1: For the purposes of this AD, a detailed inspection is: "An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required."

Alternative Methods of Compliance (AMOCs)

(h) The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19. Related Information

(i) German airworthiness directives D-2004-448 and D-2004-449, both effective October 14, 2004, also address the subject of this AD.

Material Incorporated by Reference

(j) You must use Avcraft Dornier Service Bulletin SB-328-53-462, Revision 1, dated July 15, 2004; or Avcraft Dornier Service Bulletin SB-328J-53-214, Revision 1, dated July 15, 2004; as applicable, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get copies of the service information, contact AvCraft Aerospace GmbH, P.O. Box 1103, D-82230 Wessling, Germany. To view the AD docket, go to the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Nassif Building, Washington, DC. To review copies of the service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Issued in Renton, Washington, on June 10, 2005.

Michael J. Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05-12003 Filed 6-20-05; 8:45 am]

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