



[4910-13-P]

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA-2016-9435; Product Identifier 2016-NM-108-AD]**

**RIN 2120-AA64**

**Airworthiness Directives; Fokker Services B.V. Airplanes**

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

**ACTION:** Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

**SUMMARY:** We are revising an earlier proposal to supersede Airworthiness Directive (AD) 2012-22-15, which applies to all Fokker Services B.V. Model F28 Mark 0070 and Mark 0100 airplanes. This action revises the notice of proposed rulemaking (NPRM) by proposing to require incorporating new airworthiness limitations into the maintenance or inspection program, as applicable. We are proposing this AD to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

**DATES:** The comment period for the NPRM published in the Federal Register on December 16, 2016 (81 FR 91068), is reopened.

We must receive comments on this SNPRM by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- Hand Delivery: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this SNPRM, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88-6280-350; fax +31 (0)88-6280-111; email [technicalservices@fokker.com](mailto:technicalservices@fokker.com); Internet <http://www.myfokkerfleet.com>. You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

### **Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9435; 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 this SNPRM, 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.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1137; fax 425-227-1149.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA-2016-9435; Product Identifier 2016-NM-108-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this SNPRM. We will consider all comments received by the closing date and may amend this SNPRM based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this SNPRM.

## **Discussion**

We issued AD 2012-22-15, Amendment 39-17252 (77 FR 68063, November 15, 2012) (“AD 2012-22-15”). AD 2012-22-15 requires actions intended to address an unsafe condition on all Fokker Services B.V. Model F28 Mark 0070 and Mark 0100 airplanes.

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would supersede AD 2012-22-15. The NPRM published in the Federal Register on December 16, 2016 (81 FR 91068). The NPRM was prompted by new and more restrictive airworthiness limitations. The NPRM proposed to revise the maintenance or inspection program, as applicable, to incorporate the new and more restrictive airworthiness limitations.

## **Actions Since the NPRM was Issued**

Since we issued the NPRM, additional airworthiness limitations have been issued and we have determined it is necessary to require revising the maintenance or inspection program, as applicable, to incorporate the new airworthiness limitations.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017-0095, dated May 30, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all Fokker Services B.V. Model F28 Mark 0070 and Mark 0100 airplanes. The MCAI states:

Fokker Services Engineering Report SE-623 contains the Airworthiness Limitation Items (ALIs) and Safe Life Items (SLIs). This report is Part 2 of the Airworthiness Limitations Section (ALS Part 2) of the Instructions for Continued Airworthiness, referred to in Section 06, Appendix 1, of the Fokker 70/100 Maintenance Review Board document.

The complete ALS consists of:  
Part 1 - Report SE-473, Certification Maintenance Requirements (CMRs) – ref. EASA AD 2015-0027 [which corresponds to FAA AD 2016-11-22, Amendment 39-18549 (81 FR 36438, June 7, 2016)],  
Part 2 - Report SE-623, ALIs and SLIs – ref. EASA AD 2016-0125 [which corresponds to certain requirements in FAA AD 2012-22-15], and  
Part 3 - Report SE-672, Fuel ALIs and CDCCLs – ref. EASA AD 2015-0032 [which corresponds to FAA AD 2016-11-15, Amendment 39-18542 (81 FR 36447, June 7, 2016)].

The instructions contained in those reports have been identified as mandatory actions for continued airworthiness. Failure to accomplish these actions could result in an unsafe condition.

EASA previously issued AD 2016-0125, requiring the actions described in ALS Part 2, Report SE-623 at issue 15 and 16.

Since that [EASA] AD was issued, Fokker Services published issue 17 of Report SE-623, containing new and/or more restrictive maintenance tasks.

For the reasons described above, this [EASA] AD retains the requirements of AD 2016-0125, which is superseded, and requires implementation of the maintenance actions as specified in ALS Part 2 of the Instructions for Continued Airworthiness, Fokker Services Engineering Report SE-623 at issue 17 (hereafter referred to as ‘ALS Part 2’ in this [EASA] AD).

You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9435.

**Related Service Information under 1 CFR part 51**

Fokker Services B.V. has issued Engineering Report SE-623, “Fokker 70/100 ALI’s and SLI’s,” Issue 17, dated April 26, 2017. The service information describes new and more restrictive airworthiness limitations. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

**Comments**

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

**FAA’s Determination and Requirements of this SNPRM**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

## **Costs of Compliance**

We estimate that this SNPRM affects 15 airplanes of U.S. registry.

The actions required by AD 2012-22-15, and retained in this proposed 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 actions that are required by AD 2012-22-15 is \$85 per product.

We also estimate that it would take about 1 work-hour per product to comply with the new basic requirements of this SNPRM. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of this SNPRM on U.S. operators to be \$1,275, or \$85 per product.

The new requirements of this SNPRM add no additional economic burden.

## **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.

This proposed AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

### **Regulatory Findings**

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed regulation:

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.

## **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### **The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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 removing Airworthiness Directive (AD) 2012-22-15, Amendment 39-17252 (77 FR 68063, November 15, 2012), and adding the following new AD:

**Fokker Services B.V.:** Docket No. FAA-2016-9435; Product Identifier 2016-NM-108-AD.

#### **(a) Comments Due Date**

We must receive comments by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

#### **(b) Affected ADs**

(1) This AD replaces AD 2012-22-15, Amendment 39-17252 (77 FR 68063, November 15, 2012) (“AD 2012-22-15”).

(2) This AD affects AD 2012-12-07, Amendment 39-17087 (77 FR 37788, June 25, 2012) (“AD 2012-12-07”).

(3) This AD affects AD 2008-06-20 R1, Amendment 39-16089 (74 FR 61018, November 23, 2009) (“AD 2008-06-20 R1”), which replaced AD 2008-06-20, Amendment 39-15432 (73 FR 14661, March 19, 2008), retaining its requirements.

**(c) Applicability**

This AD applies to Fokker Services B.V. Model F28 Mark 0070 and Mark 0100 airplanes, certificated in any category, all serial numbers.

**(d) Subject**

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

**(e) Reason**

This AD was prompted by a revision of an airworthiness limitations items (ALIs) document, which introduces new and more restrictive maintenance requirements and airworthiness limitations. We are issuing this AD to prevent reduced structural integrity of the airplane.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Retained Maintenance Program Revision, with Revised Compliance Language**

This paragraph restates the requirements of paragraph (i) of AD 2012-22-15, with revised compliance language. Within 3 months after December 20, 2012 (the effective date of AD 2012-22-15), revise the maintenance program to incorporate the airworthiness limitations specified in Fokker Report SE-623, “Fokker 70/100 Airworthiness Limitation Items and Safe Life Items,” Issue 8, released March 17, 2011. For all tasks

and retirement lives identified in Fokker Report SE-623, “Fokker 70/100 Airworthiness Limitation Items and Safe Life Items,” Issue 8, released March 17, 2011, the initial compliance times start from the later of the times specified in paragraphs (g)(1) and (g)(2) of this AD, and the repetitive inspections must be accomplished thereafter at the applicable interval specified in Fokker Report SE-623, “Fokker 70/100 Airworthiness Limitation Items and Safe Life Items,” Issue 8, released March 17, 2011. Doing the revision required by paragraph (k) of this AD terminates the requirements of this paragraph.

(1) Within 3 months after December 20, 2012 (the effective date of AD 2012-22-15).

(2) At the time specified in Fokker Report SE-623, “Fokker 70/100 Airworthiness Limitation Items and Safe Life Items,” Issue 8, released March 17, 2011.

**(h) Retained Corrective Actions, with Specific Delegation Approval Language**

This paragraph restates the requirements of paragraph (j) of AD 2012-22-15, with specific delegation approval language. If any discrepancy, as defined in Fokker Report SE-623, “Fokker 70/100 Airworthiness Limitation Items and Safe Life Items,” Issue 8, released March 17, 2011, is found during accomplishment of any task specified in Fokker Report SE-623, “Fokker 70/100 Airworthiness Limitation Items and Safe Life Items,” Issue 8, released March 17, 2011: Within the applicable compliance time specified in Fokker Report SE-623, “Fokker 70/100 Airworthiness Limitation Items and Safe Life Items,” Issue 8, released March 17, 2011, accomplish the applicable corrective actions in accordance with Fokker Report SE-623, “Fokker 70/100 Airworthiness Limitation Items

and Safe Life Items,” Issue 8, released March 17, 2011, except as required by paragraphs (h)(1) and (h)(2) of this AD.

(1) If no compliance time is identified in Fokker Report SE-623, “Fokker 70/100 Airworthiness Limitation Items and Safe Life Items,” Issue 8, released March 17, 2011, accomplish the applicable corrective actions before further flight.

(2) If any discrepancy is found and there is no corrective action specified in Fokker Report SE-623, “Fokker 70/100 Airworthiness Limitation Items and Safe Life Items,” Issue 8, released March 17, 2011: Before further flight, contact the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Fokker Services’ EASA Design Organization Approval (DOA); for approved corrective actions, and accomplish those actions before further flight.

**(i) Retained “No Alternative Actions or Intervals,” with a New Exception**

This paragraph restates the requirements of paragraph (k) of AD 2012-22-15, with a new exception. Except as required by paragraph (k) of this AD, after accomplishing the revision required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (m)(1) of this AD.

**(j) Retained Method of Compliance with 2008-06-20 R1, with Revised Compliance Language**

This paragraph restates the terminating action specified in paragraph (m) of AD 2012-22-15, with revised compliance language. Accomplishing the actions specified in

paragraph (g) of this AD terminates the requirements of paragraphs (f)(1) through (f)(5) of AD 2008-06-20 R1.

**(k) New Requirement of this AD: Maintenance or Inspection Program Revision**

Within 30 days of the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the airworthiness limitations specified in Fokker Services B.V. Engineering Report SE-623, “Fokker 70/100 ALI’s and SLI’s,” Issue 17, dated April 26, 2017. Accomplishing the revision required by this paragraph terminates the requirements of paragraph (g) of this AD. Accomplishing the revision required by this paragraph also terminates the requirements of paragraph (g) of AD 2012-12-07.

(1) The initial compliance times for the tasks specified in Fokker Services B.V. Engineering Report SE-623, “Fokker 70/100 ALI’s and SLI’s,” Issue 17, dated April 26, 2017, are at the later of the applicable compliance times specified in Fokker Services B.V. Engineering Report SE-623, “Fokker 70/100 ALI’s and SLI’s,” Issue 17, dated April 26, 2017, or within 30 days after the effective date of this AD, whichever is later.

(2) If any discrepancy is found, before further flight, repair using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the EASA; or Fokker B.V. Service’s EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

**(l) No Alternative Actions or Intervals**

After the maintenance or inspection program, as applicable, has been revised as required by paragraph (k) of this AD, no alternative actions (e.g., inspections) or intervals

may be used unless the actions or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (m)(1) of this AD.

**(m) Other FAA AD Provisions**

The following provisions also apply to this AD:

**(1) Alternative Methods of Compliance (AMOCs):** The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (n)(2) of this AD. Information may be emailed to: [9-ANM-116-AMOC-REQUESTS@faa.gov](mailto:9-ANM-116-AMOC-REQUESTS@faa.gov). Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

**(2) Contacting the Manufacturer:** As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Fokker B.V. Services' EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

**(n) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive AD 2017-0095, dated May 30, 2017, for related information.

This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9435.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1137; fax 425-227-1149.

(3) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88-6280-350; fax +31 (0)88-6280-111; email [technicalservices@fokker.com](mailto:technicalservices@fokker.com); Internet <http://www.myfokkerfleet.com>. You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on September 22, 2017.

Dionne Palermo,  
Acting Director,  
System Oversight Division,  
Aircraft Certification Service.

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