

[Federal Register Volume 83, Number 39 (Tuesday, February 27, 2018)]

[Rules and Regulations]

[Pages 8328-8331]

From the Federal Register Online via the Government Publishing Office [www.gpo.gov]

[FR Doc No: 2018-03430]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2016-9435; Product Identifier 2016-NM-108-AD; Amendment 39-18830; AD 2017-06-06]

RIN 2120-AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2012-22-15, which applied to all Fokker Services B.V. Model F28 Mark 0070 and Mark 0100 airplanes. AD 2012-22-15 required revising the maintenance program to incorporate the limitations, tasks, thresholds, and intervals specified in certain revised Fokker maintenance review board (MRB) documents. This new AD requires revising the maintenance or inspection program, as applicable, to incorporate new maintenance requirements and airworthiness limitations. This AD was prompted by new and more restrictive airworthiness limitations. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 3, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 3, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of December 20, 2012 (77 FR 68063, November 15, 2012).

ADDRESSES: For service information identified in this final rule, 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; 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. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-9435.

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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800-647-5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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:

Discussion

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to supersede AD 2012-22-15, Amendment 39-17252 (77 FR 68063, November 15, 2012) (“AD 2012-22-15”). AD 2012-22-15 applied to all Fokker Services B.V. Model F28 Mark 0070 and Mark 0100 airplanes. The SNPRM published in the Federal Register on October 19, 2017 (82 FR 48671) (“the SNPRM”). We preceded the SNPRM with a notice of proposed rulemaking (NPRM) that published in the Federal Register on December 16, 2016 (81 FR 91068) (“the NPRM”). 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. The SNPRM proposed to require revising the maintenance or inspection program, as applicable, to incorporate new and more restrictive airworthiness limitations that were issued since the NPRM was released. We are issuing this AD to prevent reduced structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 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 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.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the SNPRM 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 this 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 SNPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the SNPRM.

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, issued 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.

Costs of Compliance

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

The actions required by AD 2012-22-15, 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 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 AD. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be \$1,275, or \$85 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.

This 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 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.

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 removing Airworthiness Directive 2012-22-15, Amendment 39-17252 (77 FR 68063, November 15, 2012), and adding the following new AD.



2017-06-06 Fokker Services B.V: Amendment 39-18830; Docket No. FAA-2016-9435; Product Identifier 2016-NM-108-AD.

(a) Effective Date

This AD is effective April 3, 2018.

(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”).

(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 (ALI) 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 B.V. 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 AD 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, issued 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, issued 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, issued 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. 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.

(o) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on April 3, 2018.

(i) Fokker Services B.V. Engineering Report SE-623, "Fokker 70/100 ALI's and SLI's," Issue 17, issued April 26, 2017.

(ii) Reserved.

(4) The following service information was approved for IBR on December 20, 2012 (77 FR 68063, November 15, 2012).

(i) Fokker Report SE-623, "Fokker 70/100 Airworthiness Limitation Items and Safe Life Items," Issue 8, released March 17, 2011.

(ii) Reserved.

(5) 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; internet <http://www.myfokkerfleet.com>.

(6) 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.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on February 9, 2018.

Michael Kaszycki,
Acting Director, System Oversight Division,
Aircraft Certification Service.