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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

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

**[Docket No. FAA-2020-0450; Product Identifier 2020-NM-034-AD; Amendment 39-19907; AD 2020-09-11]**

**RIN 2120-AA64**

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

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

**ACTION:** Final rule; request for comments.

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**SUMMARY:** The FAA is superseding Airworthiness directive (AD) 2017-06-06 and AD 2019-12-10, which applied to all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. Those ADs required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations; as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD becomes effective June 4, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 4, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of August 1, 2019 (84 FR 30588, June 27, 2019).

The FAA must receive comments on this AD by July 6, 2020.

**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 <https://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 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For EASA material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>.

For the Fokker Services B.V. material that was previously incorporated by reference, 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 IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0450.

### **Examining the AD Docket**

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0450; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3226; email: [tom.rodriguez@faa.gov](mailto:tom.rodriguez@faa.gov).

### **SUPPLEMENTARY INFORMATION:**

#### **Discussion**

The FAA issued AD 2019-12-10, Amendment 39-19665 (84 FR 30588, June 27, 2019) (“AD 2019-12-10”), which applied to all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. AD 2019-12-10 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2019-12-10 to address reduced structural integrity of the airplane. AD 2019-12-10 specified that accomplishing the revision required by that AD terminated all requirements of AD 2017-06-06, Amendment 39-18830 (83 FR 8328, February 27, 2018), and the requirements of paragraph (g) of AD 2012-12-07, Amendment 39-17087 (77 FR 37788, June 25, 2012).

#### **Actions Since AD 2019-12-10 Was Issued**

Since the FAA issued AD 2019-12-10, the agency has determined that new or more restrictive airworthiness limitations are necessary.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0024, dated February 13, 2020 (“EASA AD 2020-0024”) (also referred to 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 0100 airplanes. EASA AD 2020-0024 superseded EASA AD 2018-0159, dated July 25, 2018 (which corresponds to FAA AD 2019-12-10).

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address reduced structural integrity of the airplane. See the MCAI for additional background information.

### **Related IBR Material Under 1 CFR Part 51**

EASA AD 2020-0024 describes new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This AD also requires Fokker Engineering Report SE-623, Fokker 70/100 Airworthiness Limitations Section, Part 2—(Structure ALIs and Safe Life Items), Issue 18, dated June 14, 2018, which the Director of the Federal Register approved for incorporation by reference as of August 1, 2019 (84 FR 30588, June 27, 2019).

This material 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.

### **FAA's Determination**

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

### **Requirements of This AD**

This AD retains the requirements of AD 2019-12-10. This AD also requires revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, which are specified in EASA AD 2020-0024 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

This AD requires revisions to certain operator maintenance documents to include new actions (e.g., inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (m)(1) of this AD.

### **Explanation of Required Compliance Information**

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020-0024 is incorporated by reference in this AD. This AD, therefore, requires compliance with EASA AD 2020-0024 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in the EASA AD. Service information specified in

EASA AD 2020-0024 that is required for compliance with EASA AD 2020-0024 is available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0450.

### **Airworthiness Limitation ADs Using the New Process**

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

### **FAA's Justification and Determination of the Effective Date**

Since there are currently no domestic operators of these products, notice and opportunity for public comment before issuing this AD are unnecessary. In addition, for the reasons stated above, the FAA finds that good cause exists for making this amendment effective in less than 30 days.

### **Comments Invited**

This AD is a final rule that involves requirements affecting flight safety, and the FAA did not precede it by notice and opportunity for public comment. The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the ADDRESSES section. Include "Docket No. FAA-2020-0450; Product Identifier 2020-NM-034-AD" at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this AD. The FAA will consider all comments received by the closing date and may amend this AD based on those comments.

The FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this AD.

### **Costs of Compliance**

Currently, there are no affected U.S.-registered airplanes. For any affected airplane that may be imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the FAA recognizes that this number may vary from operator to operator. In the past, the FAA has estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the total cost per operator to be \$7,650 (90 work-hours x \$85 per work-hour).

## **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.

The FAA is 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**

The FAA 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. Will not affect intrastate aviation in Alaska; 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.

## **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:
  - a. Removing Airworthiness Directive (AD) 2019-12-10, Amendment 39-19665 (84 FR 30588, June 27, 2019); and AD 2017-06-06, Amendment 39-18830 (83 FR 8328, February 27, 2018); and
  - b. Adding the following new AD:



**2020-09-11 Fokker Services B.V.:** Amendment 39-19907; Docket No. FAA-2020-0450; Product Identifier 2020-NM-034-AD.

**(a) Effective Date**

This AD becomes effective June 4, 2020.

**(b) Affected ADs**

(1) This AD replaces AD 2017-06-06, Amendment 39-18830 (83 FR 8328, February 27, 2018) (“AD 2017-06-06”); and AD 2019-12-10, Amendment 39-19665 (84 FR 30588, June 27, 2019) (“AD 2019-12-10”).

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

**(c) Applicability**

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

**(d) Subject**

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

**(e) Reason**

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address reduced structural integrity of the airplane.

**(f) Compliance**

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

**(g) Retained Maintenance or Inspection Program Revision, With No Changes**

This paragraph restates the requirements of paragraph (g) of AD 2019-12-10, with no changes. Within 90 days after August 1, 2019 (the effective date of AD 2019-12-10), revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Fokker Engineering Report SE-623, Fokker 70/100 Airworthiness Limitations Section, Part 2—(Structure ALIs and Safe Life Items), Issue 18, dated June 14, 2018. Accomplishing the maintenance or inspection program revision required by paragraph (i) of this AD terminates the requirements of this paragraph.

(1) The initial compliance time for doing the tasks is at the time specified in Fokker Engineering Report SE-623, Fokker 70/100 Airworthiness Limitations Section, Part 2—(Structure ALIs and Safe

Life Items), Issue 18, dated June 14, 2018, or within 90 days after August 1, 2019, whichever occurs later.

(2) If any discrepancy is found, before further flight, repair using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or the European Union Aviation Safety Agency (EASA); or Fokker B.V. Service's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

#### **(h) Retained Restrictions on Alternative Actions and Intervals, With a New Exception**

This paragraph restates the requirements of paragraph (h) of AD 2019-12-10, with a new exception. Except as required by paragraph (i) of this AD, after the maintenance or inspection program has been revised as 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.

#### **(i) New Maintenance or Inspection Program Revision**

Except as specified in paragraph (j) of this AD: Comply with all required actions and compliance times specified in, and in accordance with EASA AD 2020-0024, dated February 13, 2020 (“EASA AD 2020-0024”). Accomplishing the maintenance or inspection program revision required by this paragraph terminates the requirements of paragraph (g) of this AD.

#### **(j) Exceptions to EASA AD 2020-0024**

(1) The requirements specified in paragraphs (1) and (2) of EASA AD 2020-0024 do not apply to this AD.

(2) Paragraph (3) of EASA AD 2020-0024 specifies revising “the AMP” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, to incorporate the “limitations, tasks and associated thresholds and intervals” specified in paragraph (3) of EASA AD 2020-0024 within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2020-0024 is at the applicable “associated thresholds” specified in paragraph (3) of EASA AD 2020-0024, or within 90 days after the effective date of this AD, whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2020-0024 do not apply to this AD.

(5) The “Remarks” section of EASA AD 2020-0024 does not apply to this AD.

#### **(k) New Provisions for Alternative Actions or Intervals**

After the existing maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (e.g., inspections) or intervals are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2020-0024.

#### **(l) Terminating Action for Certain Requirements of AD 2012-12-07**

Accomplishing the actions required by paragraph (g) or (i) of this AD terminates the requirements of paragraph (g) of AD 2012-12-07.

#### **(m) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, Large Aircraft Section, International Validation 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) of this AD. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov.

(i) 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.

(ii) AMOCs approved previously for AD 2019-12-10 are approved as AMOCs for the corresponding provisions of EASA AD 2020-0024 that are required by paragraph (i) of this AD.

(2) Contacting the Manufacturer: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Fokker's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

#### **(n) Related Information**

For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3226; email: tom.rodriguez@faa.gov.

#### **(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 June 4, 2020.

(i) European Union Aviation Safety Agency (EASA) AD 2020-0024, dated February 13, 2020.

(ii) [Reserved]

(4) The following service information was approved for IBR on August 1, 2019 (84 FR 30588, June 27, 2019).

(i) Fokker Engineering Report SE-623, Fokker 70/100 Airworthiness Limitations Section, Part 2--(Structure ALIs and Safe Life Items), Issue 18, dated June 14, 2018.

(ii) [Reserved]

(5) For information about Fokker Services B.V. material, 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) For information about EASA AD 2020-0024, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email ADs@easa.europa.eu; Internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

(7) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0450.

(8) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.



Issued on May 4, 2020.

Ross Landes,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft  
Certification Service.

[FR Doc. 2020-10626 Filed 5-19-20; 8:45 am]