

Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

#### Related Information

(n) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2008-0107, dated June 23, 2008; German Airworthiness Directive 2003-384, dated November 13, 2003; Dornier 328 Alert Service Bulletin ASB-328-27-036, Revision 3, dated February 8, 2008; and Dornier 328 Service Bulletin SB-328-27-459, Revision 2, dated February 8, 2008; for related information.

Issued in Renton, Washington, on June 2, 2009.

**Stephen P. Boyd,**

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

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**BILLING CODE** 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0515; Directorate Identifier 2008-NM-071-AD]

**RIN 2120-AA64**

#### Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Following a red illuminated "DOOR NOT LOCKED" status light indication on the door lock indication panel after lift off, the cabin crew operated the door lock handle. This resulted in inadvertent opening of the downward opening passenger door in flight. \* \* \*

After inspection, it was found that the false red light might be the result of an incorrect clearance between lever Part Number (P/N)

A26997-003 and the Up-Limit Switch. If the Up-Limit Switch has an incorrect clearance, the combination with cabin differential pressure build-up after lift-off might result in a false steady illuminating red "DOOR NOT LOCKED" indication on the Door Indication Panel. \* \* \*

\* \* \* \* \*

The unsafe condition is inadvertent opening of the door lock handle in flight, which could result in rapid decompression of the airplane or ejection of a passenger or crewmember through the door. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by July 9, 2009.

**ADDRESSES:** You may send comments 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 W12-40, 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 proposed AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands; telephone +31 (0)252-627-350; fax +31 (0)252-627-211; e-mail [technicalservices.fokkerservices@stork.com](mailto:technicalservices.fokkerservices@stork.com); Internet <http://www.myfokkerfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221 or 425-227-1152.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations 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 Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 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 proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2009-0515; Directorate Identifier 2008-NM-071-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD 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 proposed AD.

##### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agency for the Member States of the European Community, has issued EASA Airworthiness Directive 2008-0020, dated January 28, 2008 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Following a red illuminated "DOOR NOT LOCKED" status light indication on the door lock indication panel after lift off, the cabin crew operated the door lock handle. This resulted in inadvertent opening of the downward opening passenger door in flight. It appeared that the cabin crew was unaware of the content of Fokker 70/100 Service Letter (SL) 272. This SL informs not to operate the door lock handle after the aircraft has started to move or before it has come to a complete standstill.

After inspection, it was found that the false red light might be the result of an incorrect clearance between lever Part Number (P/N) A26997-003 and the Up-Limit Switch. If the Up-Limit Switch has an incorrect clearance, the combination with cabin differential pressure build-up after lift-off might result in a false steady illuminating red "DOOR NOT LOCKED" indication on the Door Indication Panel. The original Fokker Service Bulletin SBF100-52-044 and the associated Aircraft Maintenance Manual (AMM) task mentioned a clearance of 1.3 mm ± 0.3 mm. Later, based on a trial, an improved clearance of 0.3 mm ± 0.2 mm was introduced. Both documents have been revised for that reason. Later production serial number aircraft with

downward opening passenger doors had the correct clearance introduced before delivery, but no action was taken to inspect and adjust the clearance on previously delivered or modified (per SBF100-52-044) serial numbers.

Since an unsafe condition has been identified that is likely to exist or develop on other aircraft of the same type design, this [EASA] Airworthiness Directive (AD) requires two actions:

- The installation of a warning placard near the status lights of the door lock indication panel, instructing the cabin crew not to operate the door handle during flight and to inform the flight crew of the “DOOR NOT LOCKED” indication; and
- A one-time inspection of the clearance between lever P/N A26997-003 and the Up-Limit Switch. If this clearance deviates from the limits given in AMM task 52-71-01-400-814-A, which is  $0.3 \text{ mm} \pm 0.2 \text{ mm}$  ( $0.0118 \text{ inch} \pm 0.0079 \text{ inch}$ ), corrective actions are required.

The unsafe condition is inadvertent opening of the door lock handle in flight, which could result in rapid decompression of the airplane or ejection of a passenger or crewmember through the door. The corrective action for improper clearance is adjusting the clearance between the lever and the up-limit switch. You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

Fokker Services B.V. has issued Fokker Service Bulletin SBF100-11-025, Revision 1, dated December 13, 2007; and Fokker Service Bulletin SBF100-52-086, dated November 1, 2007. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### FAA's Determination and Requirements of This Proposed AD

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.

#### Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI

to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a Note within the proposed AD.

#### Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 10 products of U.S. registry. We also estimate that it would take about 4 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Required parts would cost about \$20 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$3,400, or \$340 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.

#### 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); 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 proposed AD and placed it in the AD docket.

#### 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 adding the following new AD:

**Fokker Services B.V.:** Docket No. FAA-2009-0515; Directorate Identifier 2008-NM-071-AD.

#### Comments Due Date

- (a) We must receive comments by July 9, 2009.

#### Affected ADs

- (b) None.

#### Applicability

- (c) This AD applies to Fokker Model F.28 Mark 0070 and 0100 series airplanes, certificated in any category, equipped with a downward-opening “airstair” type passenger door.

#### Subject

- (d) Air Transport Association (ATA) of America Codes 11 and 52: Placards and Markings, and Doors, respectively.

#### Reason

- (e) The mandatory continuing airworthiness information (MCAI) states: Following a red illuminated “DOOR NOT LOCKED” status light indication on the door lock indication panel after lift off, the cabin crew operated the door lock handle. This resulted in inadvertent opening of the downward opening passenger door in flight. It appeared that the cabin crew was unaware

of the content of Fokker 70/100 Service Letter (SL) 272. This SL informs not to operate the door lock handle after the aircraft has started to move or before it has come to a complete standstill.

After inspection, it was found that the false red light might be the result of an incorrect clearance between lever Part Number (P/N) A26997-003 and the Up-Limit Switch. If the Up-Limit Switch has an incorrect clearance, the combination with cabin differential pressure build-up after lift-off might result in a false steady illuminating red "DOOR NOT LOCKED" indication on the Door Indication Panel. The original Fokker Service Bulletin SBF100-52-044 and the associated Aircraft Maintenance Manual (AMM) task mentioned a clearance of 1,3 mm  $\pm$  0,3 mm. Later, based on a trial, an improved clearance of 0,3 mm  $\pm$  0,2 mm was introduced. Both documents have been revised for that reason. Later production serial number aircraft with downward opening passenger doors had the correct clearance introduced before delivery, but no action was taken to inspect and adjust the clearance on previously delivered or modified (per SBF100-52-044) serial numbers.

Since an unsafe condition has been identified that is likely to exist or develop on other aircraft of the same type design, this [EASA] Airworthiness Directive (AD) requires two actions:

- The installation of a warning placard near the status lights of the door lock indication panel, instructing the cabin crew not to operate the door handle during flight and to inform the flight crew of the "DOOR NOT LOCKED" indication; and
- A one-time inspection of the clearance between lever P/N A26997-003 and the Up-Limit Switch. If this clearance deviates from the limits given in AMM task 52-71-01-400-814-A, which is 0,3 mm  $\pm$  0,2 mm (0.0118 inch  $\pm$  0.0079 inch), corrective actions are required.

The unsafe condition is inadvertent opening of the door lock handle in flight, which could result in rapid decompression of the airplane or ejection of a passenger or crewmember through the door. The corrective action for improper clearance is adjusting the clearance between the lever and the up-limit switch.

#### Actions and Compliance

(f) Unless already done, do the following actions:

(1) Within 500 flight cycles or 4 months after the effective date of this AD, whichever occurs first, install a new warning placard near the status lights of the panel of the door lock indication, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100-11-025, Revision 1, dated December 13, 2007.

(2) Within 4,000 flight cycles after the effective date of this AD, do a one-time inspection of the clearance between lever P/N A26997-003 and the up-limit switch, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100-52-086, dated November 1, 2007.

(3) If any clearance is found outside the range defined in the service bulletin during the inspection required by paragraph (f)(2) of

this AD, before further flight, correct the clearance in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100-52-086, dated November 1, 2007.

(4) If done before the effective date of this AD, installing the warning placard near the status lights of the panel of the door lock indication, in accordance with Fokker Service Bulletin SBF100-11-025, dated November 1, 2007, is acceptable for compliance with the requirements of paragraph (f)(1) of this AD.

(5) Modifying the airplane in accordance with Fokker Service Bulletin SBF 100-52-044, Revision 1, dated November 1, 2007, terminates the requirements of paragraph (f)(2) of this AD.

#### FAA AD Differences

**Note 1:** This AD differs from the MCAI and/or service information as follows:

Note 1 of the "Compliance" section of European Aviation Safety Agency Airworthiness Directive 2008-0020, dated January 28, 2008, states that any airplane that has not yet been modified in accordance with Fokker Service Bulletin SBF 100-52-069, dated December 3, 2001, must be done prior to or concurrently with paragraph (f)(1) of this AD. However, all U.S. airplanes have met this requirement with issuance of AD 2006-03-07, amendment 39-14471; therefore, modification in accordance with Fokker Service Bulletin SBF 100-52-069, dated December 3, 2001, is not applicable.

#### Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1137; fax (425) 227-1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

#### Related Information

(h) Refer to MCAI EASA Airworthiness Directive 2008-0020, dated January 28, 2008, and Fokker Service Bulletin SBF100-11-025, Revision 1, dated December 13, 2007; and Fokker Service Bulletin SBF100-52-086, dated November 1, 2007; for related information.

Issued in Renton, Washington, on June 1, 2009.

**Stephen P. Boyd,**

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

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### 20 CFR Parts 617, 618, 665, and 671

#### RIN 1205-AB32 and 1205-AB40

### Withdrawal of Certain Proposed Rules for Trade Adjustment Assistance

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice of withdrawal.

**SUMMARY:** The Employment and Training Administration (ETA) of the Department of Labor (Department) announces the withdrawal of two notices of proposed rulemaking (NPRMs) on the Trade Adjustment Assistance for Workers (TAA) and Alternative Trade Adjustment Assistance for Older Workers (ATAA) programs under the Trade Act of 1974, as amended (Trade Act). These proposed rules are withdrawn because the American Recovery and Reinvestment Act of 2009, commonly known as the Recovery Act, significantly amended the authorizing legislation, superseding the two NPRMs.

**DATES:** The proposed rules identified in this document are withdrawn as of June 9, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Erica Cantor, Administrator, Office of National Response, ETA, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C-5311, Washington, DC 20210. Telephone: (202)-693-3560 (voice) (this is not a toll-free number); individuals with hearing or speech impairments may access the telephone number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** The TAA program, under chapter 2 of title II of the Trade Act, provides adjustment assistance (including training, income