

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 89-NM-134-AD]

RIN 2120-AA64

**Airworthiness Directives; Airbus Industrie Model A300, A310, and A300-600 Series Airplanes****AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a notice of proposed rulemaking (NPRM) that proposes the superseding of an existing airworthiness directive (AD), applicable to certain Airbus Model A300 series airplanes, that currently requires certain changes to the procedures in the airplane flight manual related to operation of the emergency lighting system. The NPRM also proposes to require a modification of the emergency lighting system, which would constitute terminating action for the AFM changes. In addition, the NPRM proposed to expand the applicability to include all A300, A310, and A300-600 series airplanes. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has issued separate rulemaking that proposes to require, among other things, the same actions described above. Accordingly, the proposed rule is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW, Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to all Airbus Model A300, A310, and A300-600 series airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on September 11, 1989 (54 FR 37470) (hereinafter referred to as "the original NPRM"). The original NPRM would have superseded an existing airworthiness directive (AD), applicable only to Model A300 series airplanes, that requires certain changes to the procedures in the FAA-approved Airplane Flight Manual (AFM) related to operation of the emergency lighting system. The original NPRM also would have required a modification of the emergency lighting system, which

would constitute terminating action for the AFM changes. The original NPRM also would have expanded the applicability to include all Model A300, A310, and A300-600 series airplanes. The original NPRM was prompted by flight crew reports that the Floor Proximity Emergency Escape Path Marking System (FPEEPMS), which is part of the airplane's emergency lighting system, did not illuminate automatically with loss of AC power. The proposed actions were intended to prevent lack of FPEEPMS lighting for evacuation in an emergency situation.

**Actions That Occurred Since the NPRM Was Issued**

Since the issuance of the original NPRM, the FAA has issued separate rulemaking that proposes to include, among other things, the actions contained in the original NPRM. (That separate rulemaking is a new NPRM, Rules Docket 98-NM-205-AD, published in the **Federal Register** on September 13, 1999 (64 FR 49420)).

**FAA's Conclusions**

Because the separate rulemaking now incorporates, as part of its proposed required actions, the same actions that were proposed in the original NPRM, the FAA has determined that the original NPRM is unnecessary. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

**Regulatory Impact**

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

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

Air transportation, Aircraft, Aviation safety, Safety.

**The Withdrawal**

Accordingly, the notice of proposed rulemaking, Docket 89-NM-134-AD, published in the **Federal Register** on September 11, 1989 (54 FR 37470), is withdrawn.

Issued in Renton, Washington, on November 2, 1999.

**D.L. Riggins,**

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

[FR Doc. 99-29176 Filed 11-5-99; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 98-NM-224-AD]

RIN 2120-AA64

**Airworthiness Directives; Fokker Model F28 Mark 0070, 0100, 1000, 2000, 3000, and 4000 Series Airplanes****AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to all Fokker Model F28 Mark 0070, 0100, 1000, 2000, 3000, and 4000 series airplanes, that currently requires a revision to the Airplane Flight Manual (AFM) that prohibits takeoff in certain icing conditions unless either a tactile inspection is performed or specific takeoff procedures are followed. That action was prompted by reports of several accidents in which Fokker Model F28 series airplanes lost aerodynamic lift when attempting takeoff with ice contamination on their wings. This action would add a requirement, for certain airplanes, for modification of the wing leading edge ice protection system to include on-ground wing ice protection, and a new revision to the AFM. This proposal is prompted by the development of a modification which introduces a wing anti-icing system that will operate on the ground as well as in flight. The actions specified by the proposed AD are intended to prevent degradation of aerodynamic lift during takeoff when icing conditions exist, which could result in reduced controllability of the airplane.

**DATES:** Comments must be received by December 8, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-224-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this

location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, The Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-224-AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-224-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

On November 30, 1994, the FAA issued AD 94-25-03, amendment 39-9087 (59 FR 62563, December 6, 1994),

applicable to all Fokker Model F28 series airplanes, to require a revision to the Airplane Flight Manual (AFM) that prohibits takeoff in certain icing conditions unless either a tactile inspection is performed or specific takeoff procedures are followed. That action was prompted by reports of several accidents in which Fokker Model F28 series airplanes lost aerodynamic lift when attempting takeoff with ice contamination on their wings. The requirements of that AD are intended to prevent degradation of aerodynamic lift during takeoff when icing conditions exist.

**Actions Since Issuance of Previous Rule**

In the preamble to AD 94-25-03, the FAA indicated that the actions required by that AD were considered "interim action" until final action is identified, at which time the FAA may consider further rulemaking. The FAA now has determined that further rulemaking action is indeed necessary, and this proposed AD follows that determination.

**Explanation of Relevant Service Information**

Fokker has issued Service Bulletins SBF100-30-018, dated April 1, 1997 (for Fokker Model F28 Mark 070, 0100 series airplanes), and F28/30-031, Revision 1, dated May 4, 1998 (for Fokker Model F28 Mark 1000, 2000, 3000, 4000 series airplanes). These service bulletins describe procedures for modifying the wing leading edge ice-protection system to include on-ground wing leading edge ice protection. The modification involves installation of a temperature sensor in the wing leading edge, installation of a temperature control unit, modification of the aircraft wiring, and performance of an after-installation test of the system. Additionally, Fokker has issued Manual Change Notification (MCNO) F100-003 (for Fokker Model F28 Mark 070, 0100 series airplanes) and MCNO F28-003 (for Fokker Model F28 Mark 1000, 2000, 3000, 4000 series airplanes). These MCNO's specify changes to the AFM following modification of the wing leading edge heating system. Accomplishment of the actions specified in the service bulletins and MCNO's is intended to adequately address the identified unsafe condition.

**FAA's Conclusions**

These airplane models are manufactured in the Netherlands and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the

applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

**Explanation of Requirements of Proposed Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 94-25-03 to continue to require a revision to the AFM that prohibits takeoff in certain icing conditions unless either a tactile inspection is performed or specific takeoff procedures are followed. This proposed AD would add a requirement, for certain airplanes, for modification of the wing leading edge ice-protection system to include on-ground wing leading edge ice-protection and a new revision to the AFM. The actions would be required to be accomplished in accordance with the service bulletins and MCNO's described previously.

**Difference Between Proposed Rule and Related Service Information**

This proposed rule would differ from the service bulletins and MCNO's. The RLD has determined that the modification of the wing leading edge ice protection system should be optional, instead incorporating the changes related to this modification into the AFM. The FAA has determined that modification of the wing leading edge ice protection system should be mandated, and that the appropriate AFM changes should be required after incorporation of the wing leading edge ice protection system.

The FAA has determined that long-term continued operational safety will be better assured by design changes to remove the source of the problem, rather than by AFM flight crew procedure requirements. AFM crew procedures may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with total reliance on timely crew actions, has led the FAA to consider placing less emphasis on flight crew procedures and more emphasis on design improvements. The proposed

modification requirement is consistent with these conditions.

### Cost Impact

There are approximately 191 airplanes of U.S. registry that would be affected by this proposed AD.

The currently required AFM revisions proposed by this AD take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required AFM revisions proposed by this AD on U.S. operators is estimated to be \$60 per airplane.

The modification that is proposed in this AD action for certain airplanes would take approximately 274 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$26,585 per airplane. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be \$43,025 per airplane.

The new AFM revisions proposed by this AD take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the new AFM revisions proposed by this AD on U.S. operators is estimated to be \$60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

### Regulatory Impact

The regulations proposed herein would not have substantial direct effects 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. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that 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) if promulgated, 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. A copy of the draft regulatory evaluation prepared for this

action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by removing amendment 39-9087 (59 FR 62563, December 6, 1994), and by adding a new airworthiness directive (AD), to read as follows:

**Fokker Services B.V.:** Docket 98-NM-224-AD. Supersedes AD 94-25-03, Amendment 39-9087.

**Applicability:** All Model F28 Mark 0070, 0100, 1000, 2000, 3000, and 4000 series airplanes; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent degradation of aerodynamic lift during takeoff when icing conditions exist, which could result in reduced controllability of the airplane, accomplish the following:

#### Restatement of Requirements of AD 94-25-03, Amendment 39-9087

(a) Within 10 days after December 21, 1994 (the effective date of AD 94-25-03, amendment 39-9087), incorporate the following into the Limitations Section of the FAA-approved Airplane Flight Manual (AFM). This may be accomplished by inserting a copy of this AD in the AFM. This action is required until the requirements of paragraph (c) are accomplished.

*"Wing De-Icing/Anti-Icing Prior To Takeoff*

### CAUTION

The Model F28 series airplane has a wing design with no leading edge high lift devices, such as slats. Wings without leading edge high lift devices are particularly susceptible to loss of lift due to wing icing. Minute amounts of ice or other contamination (equivalent to medium grit sandpaper) on the leading edges or upper wing surfaces can cause significant reduction in the stall angle-of-attack. This can increase stall speed up to 30 knots. The increased stall speed can be well above the stall warning (stick shaker) activation speed.

Takeoff shall not be attempted unless the pilot-in-command has ensured that the aircraft surfaces are free of ice, frost, and snow accumulation, as required by sections 91.527 and 121.629 of the Federal Aviation Regulations (FAR).

In addition, takeoff shall not be attempted when the Outside Air Temperature (OAT) is below 6 degrees C (Centigrade) [42 degrees F (Fahrenheit)]; and either the difference between the dew point temperature and OAT is less than 3 degrees C (5 degrees F), or visible moisture (rain, drizzle, sleet, snow, fog, etc.) is present, unless the operator complies with either OPTION 1 or OPTION 2, below:

#### OPTION 1

The leading edge and upper wing surfaces have been physically checked for ice/frost/snow and the flight crew verifies that a visual check and a physical (hands-on) check of the leading edge and upper wing surfaces has been accomplished and that the wing is clear of ice/frost/snow accumulation.

OR

#### OPTION 2

The following takeoff procedure is used:

### WARNING:

**The following technique cannot be used unless the pilot-in-command has ensured that the aircraft surfaces are free of ice, frost, and snow, as required by sections 91.527 and 121.629 of the FAR.**

- (All Marks, except Mark 0100 and Mark 0070) When using flight director for takeoff, select HDG mode and 10 degrees pitch attitude.
- Select the largest flap setting that is permissible for the takeoff weight/altitude/temperature conditions.
- (All Marks, except Mark 0100 and Mark 0070) Use rated takeoff thrust.
- (Mark 0100 and Mark 0070) Use takeoff/go-around (TOGA) thrust.
- Do not use FLEXIBLE thrust.
- At  $V_R$  rotate slowly (less than 3 degrees per second) to 10 degrees pitch attitude.
- When positively climbing, select gear UP.
- DO NOT EXCEED 10 DEGREES PITCH UNTIL AIRSPEED IS ABOVE  $V_2 + 20$  KTS.
- When above  $V_2 + 20$  KTS, slowly increase the pitch attitude, keeping the speed above  $V_2 + 20$  KTS.
- Retract the flaps at or above  $V_{FR} + 20$  KTS.

## NOTES TO OPTION 2:

1. The available field length must be greater than or equal to 120 percent of the takeoff distance required by regulation for the actual gross weight. Also, the 20 percent increase in takeoff distance must be accounted for in the obstacle clearance analysis. WEIGHT MUST BE OFF-LOADED, IF NECESSARY, TO MEET THESE CONDITIONS.

2. (Mark 0100 and Mark 0070) Do not follow the Flight Director pitch command during rotation for takeoff and initial climb, as this will result in exceeding the recommended maximum pitch angle of 10 degrees before reaching the speed of  $V_2 + 20$  KTS.

3. (Mark 0100 and Mark 0070) Do not engage the auto-pilot until leaving the Automated Flight Control and Augmentation System (AFCAS) takeoff (TO) mode.

4. For the case of an engine failure, refer to the applicable procedure in Section 4.17.01 SINGLE ENGINE OPERATION of the F28 Mark 0100 (Fokker 100) and F28 Mark 0070 (Fokker 70) AFM, or Section 1.7.4 OPERATION UNDER ABNORMAL CONDITIONS of the F28 FHB, as applicable.

5. During takeoff, the first indication of wing contamination will probably be airframe buffet when the pitch angle is increased above 10 degrees, followed by wing drop and insufficient climb rate. DO NOT EXCEED 10 DEGREES PITCH UNTIL AIRSPEED IS ABOVE  $V_2 + 20$  KTS."

**Note 2:** If an operator elects to implement in its fleet only one of the two OPTIONS specified in this paragraph, the other OPTION does not have to be included in the Limitations Section of the AFM. However, the OPTION that is implemented must be incorporated in the AFM verbatim as it appears in this paragraph.

**New Requirements of This AD**

(b) For Model F28 Mark 0070, 0100 series airplanes identified in Fokker Service Bulletin SBF100-30-018, Appendix 1, dated April 1, 1997; and Model F28 Mark 1000, 2000, 3000, and 4000 series airplanes identified in Fokker Service Bulletin F28/30-031, Appendix 1, Revision 1, dated May 4, 1998: Accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD.

(1) Within 18 months after the effective date of this AD, modify the wing anti-ice system for operation on the ground in accordance with the applicable service bulletin.

(2) Prior to further flight after accomplishing the modification required by paragraph (b)(1) of this AD, remove the AFM revisions required by paragraph (a) of this AD, and incorporate the flight manual changes described in Fokker Manual Change Notification (MCNO) F100-003, dated September 19, 1997 (for Fokker Model F28 Mark 070, 0100 series airplanes), and Fokker MCNO F28-003, dated September 5, 1997 (for Fokker Model F28 Mark 1000, 2000, 3000, 4000 series airplanes); as applicable.

**Note 3:** Incorporation of the leading edge thermal anti-ice modification and associated operating instructions does not relieve the requirement that aircraft surfaces are free of ice, frost, and snow accumulation as required

by sections 91.527 and 121.629 of the Federal Aviation Regulations (14 CFR 91.527 and 121.629).

**Alternative Methods of Compliance**

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

**Special Flight Permits**

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on November 2, 1999.

**D.L. Riffin,**

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

[FR Doc. 99-29178 Filed 11-5-99; 8:45 am]

BILLING CODE 4910-13-U

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 99-NM-177-AD]

RIN 2120-AA64

**Airworthiness Directives; British Aerospace BAe Model ATP Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

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

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace BAe Model ATP airplanes. This proposal would require a one-time inspection of the orientation of certain bolts of the rudder standby control system (SCS), and reinstallation of the bolts, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent uncommanded engagement of the rudder SCS, which could result in reduced controllability of the airplane.

**DATES:** Comments must be received by December 8, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-177-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:**

Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99-NM-177-AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the