

Background

On June 12, 2023, the FAA published an NPRM titled “U.S. Agents for Service on Individuals with Foreign Addresses Who Hold or Apply for Certain Certificates, Ratings, or Authorizations,” in the **Federal Register** (88 FR 38001; Notice No. 23–07). Commenters were instructed to provide comments on or before August 11, 2023 (*i.e.*, 60 days from the date of publication of the NPRM).

Since publication, the FAA has received one request to extend the comment period to provide time to review the associated Privacy Impact Assessment that was not available at the time of publication. The Privacy Impact Assessment was completed on August 23, 2023, and is publicly available on the website of the Department of Transportation¹ and is available on the docket for this rulemaking.

Reopening of Comment Period

The FAA partially grants the petitioners’ requests for an extension of the comment period to comment on the Privacy Impact Assessment. Under the circumstances, the FAA finds that an additional fifteen (15) days will provide sufficient opportunity for the public to comment. Therefore, the comment period for Notice No. 23–07 is reopened until October 30, 2023.

The FAA will not grant any additional requests to further extend the comment period for this rulemaking.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC.

Brandon Roberts,

*Executive Director, Office of Rulemaking,
Federal Aviation Administration.*

[FR Doc. 2023–22635 Filed 10–12–23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No.: FAA–2018–1052; Notice No. 18–09]

RIN 2120–AL10

Foreign Civil Aviation Authority Certifying Statements

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); withdrawal.

SUMMARY: The FAA is withdrawing a previously published NPRM, “Compliance with applicable regulations,” that proposed excluding its applicability to import products that have been type certificated outside of the United States by a foreign civil aviation authority bilateral partner. These products are validated by FAA consistent with the requirements in the rulemaking, “Issue of type certificate: import products.” The NPRM proposed to eliminate the requirement for redundant compliance statements by both the foreign civil aviation authority and the foreign applicant.

DATES: As of October 13, 2023, the NPRM published on February 22, 2019, at 84 FR 5605 is withdrawn.

FOR FURTHER INFORMATION CONTACT:

Steve Flanagan or Stephen Styskal, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–1602; email steve.flanagan@faa.gov; or telephone (206) 231–3144; email stephen.styskal@faa.gov (respectively).

SUPPLEMENTARY INFORMATION:

Background

On February 22, 2019, the FAA published an NPRM titled “Foreign Civil Aviation Authority Certifying Statements” in the **Federal Register**.¹ In the NPRM, the FAA proposed to revise § 21.20, which imposes a requirement on foreign applicants for type certificates (TC) of import products. Existing FAA regulations (*i.e.*, § 21.20) requires all applicants to show compliance with all applicable requirements and to provide the FAA the means by which such compliance has been shown and to provide a statement certifying that the applicant has complied with the applicable requirements. The NPRM asserted that these requirements may be duplicative to the certifying statement that the FAA already requires from the foreign civil aviation authority (FCAA) of the country or jurisdiction with State of Design responsibility for the design approval holder of a product. Under the proposed rule, the FAA would no longer have required the applicant to show compliance, provide the means by which compliance had been shown, or the accompanying statement of compliance from the foreign applicant.

The NPRM comment period closed on April 23, 2019. The FAA received four comments from individual commenters; two generally opposed the proposal and two are considered outside the scope of the proposed rulemaking.

Withdrawal of the NPRM

Section 21.20 was originally promulgated on October 6, 2009, (effective April 14, 2010) as part 21, amendment 21–92. The NPRM issued in 2006 that originally proposed § 21.20 (the “2006 NPRM”) provided background on why the FAA was seeking to add § 21.20. In the 2006 NPRM, the FAA stated that adding proposed § 21.20(a) would emphasize that the applicant is responsible for satisfying all applicable requirements by requiring an applicant for a TC (or an amended or supplemental type certificate (STC)) to show compliance with all applicable requirements and by providing the FAA the means by which such compliance has been shown.

Further, § 21.20(b) requires the applicant to provide a statement certifying that the applicant has complied with the applicable requirements. The preamble to the 2006 NPRM clarified that the statement of compliance would be subject to the then proposed § 21.2 changes related to fraudulent, intentionally false, or misleading statements. The 2006 NPRM did not recognize differences between domestic and foreign TC or STC applicants. The FAA has subsequently determined that the certifying statement by an applicant attesting to its compliance to the applicable requirements in accordance with § 21.20(b) does not serve the same purpose as a statement made by the certifying authority as required by § 21.29(a). Requiring the domestic applicant’s statement in § 21.20 affirms that the applicant is responsible for compliance with all applicable requirements. The certifying statement from the bilateral partner civil aviation authority is what the FAA needs to demonstrate that compliance with § 21.29 has been fulfilled. The two certifying statements serve different purposes.

As the FAA does with domestic applicants, the FAA expects that an FCAA works extensively with its applicants in developing the FCAA’s certifying statement. However, § 21.20 is intended to expedite the domestic applicant’s type certification approval process by ensuring that an applicant’s submission package is complete prior to the FAA making the compliance determination. The FAA finds it advantageous to retain the current rule to expedite certification approval and to ensure applicants demonstrate compliance according to the requirements of § 21.20. The FAA may deny, suspend or revoke a certificate if the applicant’s statement is fraudulent,

¹ <https://www.transportation.gov/individuals/privacy/us-agents-service-individuals-foreign-addresses-who-hold-or-apply>.

¹ 84 FR 5605.

intentionally false, or misleading. Therefore, the FAA proposes to withdraw the FCAA NPRM published in 2009 and thereby maintain the requirement for foreign applicants for type validation to comply with § 21.20.

Conclusion

Withdrawal of Notice No. 18–09 does not preclude the FAA from issuing rulemaking on the subject in the future or commit the FAA to any future course of action. The FAA will make necessary changes to the Code of Federal Regulations through an NPRM with opportunity for public comment in the new rulemaking project.

Therefore, the FAA withdraws Notice No. 18–09, FR Doc. 2018–1052, published at 84 FR 5605 on February 22, 2019.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC.

Lirio Liu,

Executive Director, Aircraft Certification Service.

[FR Doc. 2023–22647 Filed 10–12–23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1994; Project Identifier MCAI–2023–00658–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A318, A319, A321, A330–200, A330–200 Freighter, A330–300, A330–800, A330–900, A340–200, and A340–300 series airplanes; Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A340–541 and A340–642 airplanes. This proposed AD was prompted by a report that a production deficiency of some SafeLav gaseous oxygen container (SLGOC) batches was identified during production testing of newly manufactured oxygen containers. This proposed AD would require replacing affected SLGOCs and prohibiting the installation of affected SLGOCs, as specified in a European

Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 27, 2023.

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 *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:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–1994; 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 NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

• For material that is proposed for IBR in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; website *easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*. It is also available at *regulations.gov* under Docket No. FAA–2023–1994.

• 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.

FOR FURTHER INFORMATION CONTACT: Tim Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206–231–3667; email: *timothy.p.dowling@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2023–1994; Project Identifier

MCAI–2023–00658–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Tim Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206–231–3667; email: *timothy.p.dowling@faa.gov*. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2023–0094, dated May 8, 2023 (EASA AD 2023–0094) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model:

- A318–111, –112, –121, and –122 airplanes;
- A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes;
- A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes;