

Proposed Rules

Federal Register

Vol. 87, No. 13

Thursday, January 20, 2022

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA-2021-0775; Notice No. 25-21-03-SC]

Special Conditions: FedEx Express, Airbus Model A321-200 Airplanes; Installation of an Infrared Laser Countermeasure System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions; withdrawal.

SUMMARY: The FAA is withdrawing the Notice of Proposed Special Conditions that published in the **Federal Register** on January 18, 2022.

DATES: As of January 20, 2022, the notice of proposed special conditions published on January 18, 2022, at 87 FR 2561 is withdrawn.

FOR FURTHER INFORMATION CONTACT: Eric Peterson, Safety Risk Management Section, AIR-633, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206-231-3413; email Eric.M.Peterson@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

On January 18, 2022, the FAA published in the **Federal Register**, 87 FR 2561, a Notice of Proposed Special Conditions No. 25-21-03-SC, Docket No. FAA-2021-0775. The published proposed special conditions pertain to design features for the Airbus Model A321-200 airplane.

Reason for Withdrawal

The FAA has determined that further internal study is necessary with respect to the proposed conditions referenced above. Therefore, to avoid confusion to the public and a comment period on a proposal that the agency is not moving

forward at this time, the FAA is withdrawing the notice.

Conclusion

The Notice of Proposed Special Conditions No. 25-21-03-SC, Docket No. FAA-2021-0775, published at 87 FR 2561, is therefore withdrawn.

Brandon Roberts,

Executive Director, Office of Rulemaking.

[FR Doc. 2022-01123 Filed 1-18-22; 11:15 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2022-0005; Project Identifier MCAI-2021-01062-R]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters

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 Helicopters Model EC130T2 helicopters. This proposed AD was prompted by the determination of a certain part needing a life limit and re-identification. This proposed AD would require re-identifying a certain part-numbered engine-to-main gearbox (engine-MGB) coupling shaft, and creating a log card or equivalent record, 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 March 7, 2022.

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

For EASA material that is proposed for IBR in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADs@easa.europa.eu; internet: www.easa.europa.eu. You may find the EASA material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. This material is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2022-0005.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2022-0005; 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 EASA AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7330; email andrea.jimenez@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-2022-0005; Project Identifier MCAI-2021-01062-R" 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 <https://www.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 Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7330; email andrea.jimenez@faa.gov. Any commentary that the FAA receives that 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 2021-0216, dated September 23, 2021 (EASA AD 2021-0216), to correct an unsafe condition for Airbus Helicopters (AH), formerly Eurocopter, Model EC 130 T2 helicopters, all serial numbers.

This proposed AD was prompted by the determination from recent analysis related to service life, for the need to introduce a service life limit (life limit) in torque cycles for engine-MGB coupling shaft part number (P/N) 350A35-1100-21. The FAA is proposing this AD to address the unsafe condition, which if not corrected could lead to fatigue failure of the affected part, and loss of control of the

helicopter. See EASA AD 2021-0216 for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021-0216 requires re-identifying each affected engine-MGB coupling shaft, by crossing out the old P/N and marking the new P/N and serial number (S/N), and creating a log card indicating the new P/N, S/N, and the initial value of accumulated torque cycles. EASA AD 2021-0216 also prohibits installing an affected engine-MGB coupling shaft on any helicopter.

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.

Other Related Service Information

The FAA reviewed Airbus Helicopters Alert Service Bulletin No. EC130-04A010, dated July 15, 2021 (ASB EC130-04A010). This service information specifies procedures for re-identifying the engine-MGB coupling shaft by crossing out the old P/N and marking the new P/N and a new S/N using a vibration scribe. ASB EC130-04A010 also specifies instructions for creating a log card for the engine-MGB coupling shaft indicating the new P/N, the new S/N, and the number of torque cycles. Finally, ASB EC130-04A010 specifies instructions for calculating the number of torque cycles that are required to be indicated on the log card.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that the unsafe condition described previously is likely to exist or develop on other helicopters of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2021-0216, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under "Differences Between this Proposed AD and EASA AD 2021-0216."

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2021-0216 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021-0216 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021-0216 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 EASA AD 2021-0216. Service information referenced in EASA AD 2021-0216 for compliance will be available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2022-0005 after the FAA final rule is published.

Differences Between This Proposed AD and EASA AD 2021-0216

Service information referenced in EASA AD 2021-0216 specifies sending certain information to the manufacturer; this proposed AD would not. Paragraph (1) of EASA AD 2021-0216 specifies a compliance time of before exceeding 660 flight hours or 24 months after the effective date of this AD, whichever occurs first. However, this proposed AD would require compliance before exceeding 660 hours time-in-service or 24 months after the effective date of this proposed AD, whichever occurs first.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 264 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Re-identifying the engine-MGB coupling shaft would take about 4 work-hours for an estimated cost of \$340 per helicopter and up to \$89,760 for the U.S. fleet.

Creating a log card or equivalent record would take about 1 work-hour for

an estimated cost of \$85 per log card and up to \$22,440 for the U.S. fleet.

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 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) Would not affect intrastate aviation in Alaska, and
- (3) Would 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.

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 airworthiness directive:

Airbus Helicopters: Docket No. FAA–2022–0005; Project Identifier MCAI–2021–01062–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 7, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model EC130T2 helicopters, certificated in any category.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6300, Main Rotor Drive System.

(e) Unsafe Condition

This AD was prompted by the determination of a certain part needing a life limit and re-identification. The FAA is issuing this AD to prevent fatigue failure of the engine-to-main gearbox (engine-MGB) coupling shaft, which if not corrected, could result in loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0216, dated September 23, 2021 (EASA AD 2021–0216).

(h) Exceptions to EASA AD 2021–0216

(1) Where EASA AD 2021–0216 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2021–0216 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (1) of EASA AD 2021–0216 specifies "in accordance with the instructions of section 3.B of the ASB," for this AD replace "in accordance with the instructions of section 3.B of the ASB" with "in accordance with the Accomplishment Instructions, paragraphs 3.B.2. through 3.B.2.b. of the of the ASB."

(4) Where Note 1 of the service information referenced in EASA AD 2021–0216 specifies to contact Airbus Helicopters if you have more than one non-installed engine-MGB coupling shaft, this AD does not require contacting Airbus Helicopters.

(5) Where the service information referenced in EASA AD 2021–0216 specifies to use a vibration scribe to re-identify the engine-MGB coupling shaft, this AD allows the use of equivalent tooling.

(6) Where the service information referenced in EASA AD 2021–0216 specifies creating a log card for the engine-MGB

coupling shaft, this AD requires creating a log card or equivalent record.

(7) This AD does not mandate compliance with the "Remarks" section of EASA AD 2021–0216.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2021–0216 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199, provided no passengers are onboard.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, 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 manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l)(2) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

(2) 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.

(l) Related Information

(1) For EASA AD 2021–0216, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material may be found in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2022–0005.

(2) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email andrea.jimenez@faa.gov.

Issued on January 10, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–00884 Filed 1–19–22; 8:45 am]

BILLING CODE 4910–13–P