board individuals who are not wearing a mask and make best efforts to
disembark those who refuse to comply
as soon as practicable; and (4) report
incidents of non-compliance to TSA.
Consistent with the CDC Order, the SDs
and EA permit limited exemptions from
the requirement to wear a mask in the
transportation system, and do not
preempt state or local requirements that
are the same or more protective of
public health than TSA’s mandatory
measures.

II. TSOB Ratification

TSA has broad authority to issue
orders, regulations, and directives
related to all forms of transportation
(including air transportation), as well as
separate authority specific to aviation,
including operators of aircrafts and
airports. The TSOB—a body consisting
of the heads of various interested
Cabinet agencies, or their designees, and
a representative of the National Security
Council—reviews TSA regulations and
security directives consistent with law.7
The chairman of the TSOB8 convened
the Board for review of TSA SDs 1542–
21–01 and 1544–21–02 and EA 1546–
21–01.9

Following its review, on April 20,
2021, the TSOB ratified the SDs and EA.
As part of this ratification, the TSOB
also ratified any extension of the SDs
and EA for a period no longer than the
period of time that the Acting
Secretary’s national emergency
determination and the CDC Order
remain in effect should the TSA
Administrator determine that such an
extension is warranted to support
implementation of the Executive Order,
the national emergency determination,
and the CDC order.

The SDs and EA are available in the
docket for this notice at https://
www.regulations.gov/.

David P. Pekoske,
Senior Official Performing the Duties
of Deputy Secretary of Homeland Security &
Chairman of the Transportation Security
Oversight Board, U.S. Department of
Homeland Security.

[F.R. Doc. 2021–10433 Filed 5–17–21; 8:45 am]

BILLING CODE 9110–9M–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0270; Project
Identifier AD–2021–00352–T; Amendment
39–21508; AD 2021–08–14]

RIN 2120–AA64

Airworthiness Directives; The Boeing
Company Airplanes

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule; request for
comments.

SUMMARY: The FAA is adopting a new
airworthiness directive (AD) for all The
Boeing Company Model 737–300, –400,
and –500 series airplanes. This AD was
prompted by a flap synchro wire failure
that may go undetected by the
autothrottle (A/T) computer. This AD
requires repetitive BITE (built-in test
equipment) tests of the A/T computer to
detect a flap synchro wire failure, and
corrective action if necessary. The FAA
is issuing this AD to address the unsafe
condition on these products.

DATES: This AD is effective June 2, 2021.
The Director of the Federal Register
approved the incorporation by reference
of a certain publication listed in this AD
as of June 2, 2021.
The FAA must receive comments on
this AD by July 2, 2021.

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 service information identified in
this final rule, contact Boeing
Commercial Airplanes, Attention:
Contractual & Data Services (C&Ds),
2600 Westminster Blvd., MC 110–SK57,
Seal Beach, CA 90740–5600; telephone
562–797–1717; internet https://
www.myboeingfleet.com. You may view
this service information 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 at https://
www.regulations.gov by searching for
and locating Docket No. FAA–2021–
0270.

Examining the AD Docket

You may examine the AD docket at
https://www.regulations.gov by
searching for and locating Docket No.
FAA–2021–0270; 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
final rule, any comments received, and
other information. The street address for
the Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT:
Jeffrey Palmer, Aerospace Engineer,
Systems and Equipment Section, FAA,
Los Angeles ACO Branch, 3960
Paramount Boulevard, Lakewood, CA
90712–4137; phone: 562–627–5351;
e-mail: Jeffrey.W.Palmer@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA previously issued AD 2000–
22–34, Amendment 39–12007 (65 FR
75595, December 4, 2000) (AD 2000–23–
34), which applies to all Boeing Model
737–300, –400, and –500 series
airplanes, and requires replacing the
existing A/T computer with a new,
improved A/T computer that included
an asymmetric cruise thrust monitor.

On January 9, 2021, a Model 737–500
series airplane operated by Sriwijaya
Air was involved in an accident on a
flight from Jakarta, Indonesia. There
were 62 fatalities. During the ongoing
accident investigation, Boeing reported
that a flap synchro wire failure may go
undetected by the A/T computer on the
affected airplanes. Further investigation
has revealed that the design update for
the A/T computer required by AD 2000–
22–34 does not properly account for a
possible latent failure of the flap
position sensor, which is one data
component needed to provide the logic
necessary for the asymmetric cruise
thrust monitor to operate. Failure of the
asymmetric cruise thrust monitor to
engage during a large thrust asymmetry

6 See 49 U.S.C. 114, 44902, and 44903; see 49 CFR
1542.303, 1544.305, and 1546.105.
8 The Deputy Secretary of Homeland Security
serves as chairman of the TSOB. DHS Delegation
No. 7071.1, Delegation to the Deputy Secretary to
Chair the Transportation Security Oversight Board
(Apr. 2, 2007). The Deputy Secretary position is
currently vacant and the duties of the position,
including service as chairman of the TSOB, are
being temporarily performed by senior DHS official
David P. Pekoske.
9 The TSOB previously reviewed and ratified
TSA’s SD regarding mandatory mask measures in
the surface transportation sector. See 86 FR 13971
[published Mar. 12, 2021] regarding notification of
TSOB ratification of TSA security directive 1582/84–21–01.
The FAA has confirmed that accomplishment of the applicable BITE test in the existing airplane maintenance manual (AMM) detects the flap synchro wire failure. This test is currently not required to be performed repetitively, leading to a potential latent failure if the test is not performed regularly, which will be required by this AD.

Model 737–100 and –200 series airplanes are not affected by this AD due to an A/T design difference that is not subject to the identified unsafe condition.

FAA’s Determination

The FAA is issuing this AD because the agency has determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Multi-Operator Message MOM–MOM–21–0145–01B(R2), dated March 30, 2021. This service information specifies procedures for performing an A/T computer BITE test, “A/T BITE TEST LRU INTERFACE,” and corrective actions to repair defects. This service information 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.

AD Requirements

This AD requires accomplishing the actions specified in the service information already described, except as discussed under “Differences Between this AD and the Service Information.”

Differences Between This AD and the Service Information

Boeing Multi-Operator Message MOM–MOM–21–0145–01B(R2), dated March 30, 2021, specifies a compliance time of 250 flight hours for the initial BITE test. However, this AD requires the initial BITE test within 250 flight hours or 2 months after the effective date of this AD, whichever occurs first, to ensure that airplanes with low utilization rates are addressed in a timely manner.

Interim Action

The FAA considers this AD to be an interim action. If final action is later identified, the FAA might consider further rulemaking.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 et seq.) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because failure of the asymmetric cruise thrust monitor to engage during a large thrust asymmetry event could result in loss of control of the airplane. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under ADDRESSES. Include “Docket No. FAA–2021–0270 and Project Identifier AD–2021–00352–T” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, 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 final rule 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 final rule.

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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to Jeffrey Palmer, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5351; email: Jeffrey.W.Palmer@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.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 143 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:
The FAA has received no definitive data on which to base the cost estimates for the on-condition corrective actions specified in this AD.

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

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, and

(2) Will not affect intrastate aviation in Alaska.

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 adding the following new airworthiness directive:

#### 2021–08–14 The Boeing Company:


(a) Effective Date

This airworthiness directive (AD) is effective June 2, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 22, Auto Flight.

(e) Unsafe Condition

This AD was prompted by a flap synchro wire failure that may go undetected by the autothrottle (A/T) computer. The FAA is issuing this AD to address failure of the flap position sensor, which could result in failure of the asymmetric cruise thrust monitor to engage during a large thrust asymmetry event, and loss of control of the airplane.

(f) Compliance

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

(g) BITE Test

Within 250 flight hours or 2 months after the effective date of this AD, whichever occurs first: Perform the applicable A/T computer BITE (built-in test equipment) test, “A/T BITE TEST LRU INTERFACE,” and before further flight do all applicable corrective actions, in accordance with paragraphs 1. through 5. of Boeing Multi-Operator Message MOM–MOM–21–0145–01B(R2), dated March 30, 2021, except as provided in paragraph (h) of this AD. Repeat the test thereafter at intervals not to exceed 2,000 flight hours.

(h) Clarification of Service Information Specifications

Although paragraph 1. of Boeing Multi-Operator Message MOM–MOM–21–0145–01B(R2), dated March 30, 2021, specifies to prepare the airplane for BITE testing “using the reference/A/,” AMM 22–04–00 or 22–04–10, paragraph 3 and 4 as necessary,” this AD does not require using that service information to accomplish those steps, but operators may refer to that information for guidance on the procedures.

(i) Reporting

Although Boeing Multi-Operator Message MOM–MOM–21–0145–01B(R2), dated March 30, 2021, specifies to report test results, this AD does not require any report.

(j) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Multi-Operator Message MOM–MOM–21–0145–01B(R1), dated March 23, 2021.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in Related Information. Information may be emailed to 9-ANM-LAAOC-AMOC-Requests@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(l) Related Information

(1) For more information about this AD, contact Jeffrey Palmer, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5351; email: Jeffrey.W.Palmer@faa.gov.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(3) and (4) of this AD.

(m) 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 the AD specifies otherwise.


(ii) [Reserved]

(iii) [Reserved]

For service information identified in this AD, contact Boeing Commercial

<table>
<thead>
<tr>
<th>Action</th>
<th>Labor cost</th>
<th>Parts cost</th>
<th>Cost per product</th>
<th>Cost on U.S. operators</th>
</tr>
</thead>
<tbody>
<tr>
<td>BITE test</td>
<td>1 work-hour × $85 per hour = $85 per test</td>
<td>$0</td>
<td>$85 per test</td>
<td>$11,220 per test</td>
</tr>
</tbody>
</table>
DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


EXAMINING THE AD DOCKET


FOR FURTHER INFORMATION CONTACT:

Mahmood Shah, Aerospace Engineer, Certification Section, Fort Worth ACO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5538; email Mahmood.g.shah@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0171, dated July 28, 2020 (EASA AD 2020–0171), to correct an unsafe condition on all Airbus Helicopters, Eurocopter, Eurocopter France, Aérospatiale, Sud Aviation Model SA 330 J helicopters.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2010–16–51, Amendment 39–16410 (75 FR 53857, September 2, 2010) (AD 2010–16–51). AD 2010–16–51 applied to Eurocopter France (now Airbus) Model SA330J helicopters. The NPRM published in the Federal Register on February 26, 2021 (86 FR 11657). The NPRM was prompted by the newly developed MGB fan rotor shaft bearing design. The NPRM proposed to continue to require the inspections required by AD 2010–16–51, as specified in EASA AD 2020–0171. The NPRM also proposed to require inspecting the new improved MGB fan rotor shaft bearings, as specified in EASA AD 2020–0171.

The FAA is issuing this AD to prevent rotor burst of the MGB fan, damage to the hydraulic lines and flight controls, and subsequent loss of control of the helicopter. See EASA AD 2020–0171 for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed.

Related Service Information Under 1 CFR Part 51

For MGB fan rotor shaft bearings (both rear and front) part number (P/N) 704A33651114 (manufacturer P/N (MP/N) 205FTTX74K6–G33) and MGB fan rotor shaft bearings (both rear and front) P/N 704A33651268 (MP/N 594918), EASA AD 2020–0171 describes procedures for inspecting for play (a gap) between the MGB fan rotor blade and the upper section of the guide vane bearing housing. If there is play that does not meet the minimum requirement, EASA AD 2020–0171 requires replacing the affected MGB fan rotor shaft bearings with MGB fan rotor shaft bearings (both rear and front) P/N 704A33651268 (MP/N 594918).

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.