

# Proposed Rules

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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 39

[Docket No. FAA–2021–0255; Project Identifier AD–2020–01282–T]

RIN 2120–AA64

#### Airworthiness Directives; The Boeing Company Airplanes

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The FAA is withdrawing a notice of proposed rulemaking (NPRM) that proposed to adopt a new airworthiness directive (AD) that would have applied to certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. The NPRM was prompted by reports that very high frequency (VHF) radio frequencies transfer between the active and standby windows of the tuning control panel (TCP) without flightcrew input. The NPRM would have required updating the TCP operational software (OPS) and performing a software configuration check. Since issuance of the NPRM, the FAA determined that the TCP OPS version specified in the NPRM does not correct the unsafe condition. The FAA intends to propose new rulemaking to require updated software. Accordingly, the NPRM is withdrawn.

**DATES:** The FAA is withdrawing the proposed rule published on April 7, 2021 (86 FR 17993) as of September 9, 2021.

#### ADDRESSES:

#### Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–0255; 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 AD action, any comments received, and other

information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

#### FOR FURTHER INFORMATION CONTACT:

Frank Carreras, Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3539; email: [frank.carreras@faa.gov](mailto:frank.carreras@faa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Background

The FAA issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. The NPRM was published in the **Federal Register** on April 7, 2021 (86 FR 17993). The NPRM was prompted by reports that very high frequency (VHF) radio frequencies transfer between the active and standby windows of the tuning control panel (TCP) without flightcrew input.

The NPRM proposed to require updating the TCP OPS and performing a software configuration check. The proposed actions were intended to address uncommanded frequency changes, which could result in missed air traffic control communications such as amended clearances and critical instructions for changes to flight path, and consequent loss of safe separation between aircraft, collision, or runway incursion.

#### Actions Since the NPRM Was Issued

Since issuance of the NPRM the FAA determined that the TCP OPS version specified in the NPRM does not correct the unsafe condition. The manufacturer is developing a new version of the software which will better address the unsafe condition. Required development and testing of the new software results in scheduled availability of the revised service information by June 2022. In light of these changes, the FAA intends to propose further rulemaking.

Withdrawal of the NPRM constitutes only such action. The withdrawal does not preclude the FAA from further rulemaking on this issue or commit the FAA to any course of action in the future.

#### Comments

The FAA received comments on the NPRM from three commenters. The following presents the comments received on the NPRM and the FAA's response to the comment.

Boeing asked that the FAA delay issuance of the final rule until the next TCP OPS revision. Boeing stated that based on additional fleet reports, it has concluded that the OPS version specified in Boeing Alert Requirements Bulletin B787–81205–SB230041–00 RB, Issue 002, dated September 14, 2020, and specified in the NPRM, does not adequately address the “TCP VHF Uncommanded Frequency Change” issue. Boeing is continuing to evaluate fleet reports and is will address the cause of the additional findings in the next TCP OPS revision. The FAA agrees that the NPRM will not address the unsafe condition. When appropriate service information is developed, approved, and available, the FAA intends to propose new rulemaking to require the updated software.

American Airlines requested that the FAA revise paragraph (g) of the proposed AD to allow later FAA-approved software. The FAA agrees with the request, but because the FAA is withdrawing the NPRM, the request is no longer necessary.

The Air Line Pilots Association (ALPA) supported the NPRM.

#### FAA's Conclusions

Upon further consideration, the FAA has determined that the NPRM does not adequately address the identified unsafe condition. Accordingly, the FAA is withdrawing the NPRM.

#### Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule. This action 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, Incorporation by reference, Safety.

#### The Withdrawal

■ Accordingly, the notice of proposed rulemaking (NPRM) (Docket No. FAA–2021–0255), which was published in the

**Federal Register** on April 7, 2021 (86 FR 17993), is withdrawn.

Issued on August 31, 2021.

**Gaetano A. Sciortino,**

*Deputy Director for Strategic Initiatives,  
Compliance & Airworthiness Division,  
Aircraft Certification Service.*

[FR Doc. 2021-19355 Filed 9-8-21; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2021-0685; Project Identifier AD-2021-00432-T]

**RIN 2120-AA64**

#### Airworthiness Directives; The Boeing Company Airplanes

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

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

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive (AD) 2020-21-17, which applies to all The Boeing Company Model 757 airplanes. AD 2020-21-17 requires repetitive inspections for skin cracking and shim migration at the upper link drag fittings, diagonal brace cracking, and fastener looseness; and applicable on-condition actions. Since the FAA issued AD 2020-21-17, a determination has been made that the compliance times for certain groups are not adequate. This proposed AD would retain the requirements of AD 2020-21-17 with reduced compliance times for certain airplane groups. 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 October 25, 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 NPRM, 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-2021-0685.

#### Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0685; 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, any comments received, and other information. The street address for Docket Operations is listed above.

#### FOR FURTHER INFORMATION CONTACT:

David Truong, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5224; fax: 562-627-5210; email: [david.truong@faa.gov](mailto:david.truong@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-2021-0685; Project Identifier AD-2021-00432-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 the 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 proposed AD.

#### 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 David Truong, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712-4137; phone: 562-627-5224; fax: 562-627-5210; email: [david.truong@faa.gov](mailto:david.truong@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

The FAA issued AD 2020-21-17, Amendment 39-21290 (85 FR 79418, December 10, 2020) (AD 2020-21-17), for all The Boeing Company Model 757 airplanes. AD 2020-21-17 was prompted by reports of bolt rotation in the engine drag fitting joint and fastener heads; an inspection of the fastener holes revealed that cracks were found in the skin, and certain inspections revealed multiple cracks found in the drag fitting at fastener holes. AD 2020-21-17 requires repetitive inspections for skin cracking and shim migration at the upper link drag fittings, diagonal brace cracking, and fastener looseness; and applicable on-condition actions. The agency issued AD 2020-21-17 to address cracking in the wing upper skin and forward drag fittings, which could lead to a compromised upper link and reduced structural integrity of the engine strut.

#### Actions Since AD 2020-21-17 Was Issued

Since the FAA issued AD 2020-21-17, a determination has been made that the compliance times for group 3 and 4 airplanes are not adequate. An operator reported that during performance of the inspections required by AD 2020-21-17, the wing upper skin panel was found cracked at hole #2. The airplane had 19,432 total flight cycles and was a group 3 airplane (Model 757-200 airplane with Rolls-Royce engines and non-cold worked skin). Therefore, because of similar airplane