Rules and Regulations

Federal Register
Vol. 87, No. 60
Tuesday, March 29, 2022

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0617; Project Identifier MCAI–2021–00385–T; Amendment 39–21879; AD 2021–26–20]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 3, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publications listed in this AD as of May 3, 2022.

ADDRESSES: For EASA material incorporated by reference (IBR) in this AD, 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 find this IBR material on the EASA website at *https://ad.easa.europa.eu.* 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. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0617.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0617; 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, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The 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: Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225; email *dan.rodina@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0093, dated March 30, 2021 (EASA AD 2021–0093) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus SAS Model A300–600 series airplanes.

EASA AD 2021–0093 specifies that it requires tasks (limitations) already required by EASA AD 2019–0090 (which corresponds to FAA AD 2019–21–01, Amendment 39–19767 (84 FR 56935, October 24, 2019) (AD 2019–21–01)) and EASA AD 2020–0111R2 (which corresponds to FAA AD 2020–23–11, Amendment 39–21327 (85 FR 75838, November 27, 2020) (AD 2020–23–11)) and invalidates prior instructions for those tasks. For AD 2019–21–01 and AD 2020–23–11, this AD terminates the limitation for the tasks identified in the service information referred to in EASA AD 2021–0093 only.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A300–600 series airplanes. The NPRM published in the **Federal Register** on August 9, 2021 (86 FR 43440). The NPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2021–0093.

The FAA is issuing this AD to address fatigue cracking, damage, and corrosion in principal structural elements, which could result in reduced structural integrity of the fuselage. See the MCAI for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from FedEx Express, who supported the NPRM without change.

The FAA received additional comments from UPS Airlines. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Revise the Proposed AD To Supersede Previous ADs

UPS Airlines requested that the FAA minimize the number of rulemaking activities in this area and suggested revising the current proposed rule to include the latest released variation information and the two current mandated rulings (AD 2019–21–01 and AD 2020–23–11), while superseding them. UPS stated that it anticipates that EASA will release a proposed AD to mandate the latest variation information. UPS asserted that multiple active rulings for the same program requirements place an unnecessary compliance tracking burden on operators for the hundreds of tasks within the airworthiness limitations section (ALS) program, while offering no enhancement or benefit to fleet airworthiness.

The FAA does not agree to revise this AD, because it is based on an unsafe condition that requires new or more restrictive airworthiness limitations, as issued by Airbus in a specific variation

of the ALS. As stated in the NPRM for this AD, the FAA determined that the unsafe condition is likely to exist or develop in other products of the same type design requiring the FAA to issue an AD of its own. Furthermore, revising the proposed AD to include new variations (*i.e.,* new requirements) would result in the need to reissue the notice and reopen the period for public comment, adding unwarranted delay to the rulemaking process. The FAA has determined that further delay of this AD is not appropriate. This AD has not been changed with regard to this request.

Request To Change Compliance Time

UPS Airlines requested a minimum of 180 days for incorporation of the new or revised ALS into their maintenance or inspection program from the AD's effective date. UPS stated that changes identified in a variation release are for ALS tasks that are not of concern for near-term airworthiness.

The FAA does not agree to the requested change. This AD merely requires operators to update their existing maintenance or inspection program within 90 days to include the revised ALS. Each ALS task has its own associated compliance time. No change has been made to this AD in response to this request.

Request To Remove Compliance Time

UPS Airlines requested that the initial compliance time (the later of the task threshold or within 90 days after the effective date) be revised to remove the 90 day requirement. UPS noted the task threshold in the ALS includes a calendar threshold in addition to flight cycle/flight hour requirements. UPS stated it believes the 90-day requirement is unnecessary and stated there is no technical data to support reducing the compliance times in the ALS.

The FAA does not agree to the requested change. The 90-day requirement does not reduce any compliance times specified in the ALS. The compliance time is the later of the times in the ALS and 90 days after the effective date. Thus if any compliance time in the ALS is later than 90 days after the effective date, operators would only need to accomplish the task within the later compliance time. No change has been made to this AD in response to this request.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0093 describes new or more restrictive airworthiness limitations for airplane structures and safe life limits.

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.

Costs of Compliance

The FAA estimates that this AD affects 118 airplanes of U.S. registry. The FAA estimates the following costs to comply with this: The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

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,

(2) Will not affect intrastate aviation in Alaska, and

(3) 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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

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:

2021–26–20 Airbus SAS: Amendment 39–21879; Docket No. FAA–2021–0617; Project Identifier MCAI–2021–00385–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 3, 2022.

(b) Affected ADs

This AD affects AD 2019–21–01, Amendment 39–19767 (84 FR 56935, October 24, 2019) (AD 2019–21–01) and AD 2020–23–11, Amendment 39–21327 (85 FR 75838, November 27, 2020) (AD 2020–23–11).

(c) Applicability

This AD applies all Airbus SAS Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue cracking, damage, and corrosion in principal structural

elements, which could result in reduced structural integrity of the fuselage.

(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 2021–0093, dated March 30, 2021 (EASA AD 2021–0093).

(h) Exceptions to EASA AD 2021–0093

(1) Where EASA AD 2021–0093 refers to its effective date, this AD requires using the effective date of this AD.

(2) The requirements specified in paragraphs (1) and (2) of EASA AD 2021–0093 do not apply to this AD.

(3) Paragraph (3) of EASA AD 2021–0093 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable within 90 days after the effective date of this AD.

(4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA 2021–0093 is at the applicable ''thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2021–0093, or within 90 days after the effective date of this AD, whichever occurs later.

(5) The provisions specified in paragraph (4) of EASA AD 2021–0093 do not apply to this AD.

(6) The ''Remarks'' section of EASA AD 2021–0093 does not apply to this AD.

(i) Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2021–0093.

(j) Terminating Action for Certain Requirements of AD 2019–21–01 and AD 2020–23–11

(1) Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2019–21–01, for the tasks identified in the service information referred to in EASA AD 2021–0093 only.

(2) Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2020–23–11, for the tasks identified in the service information referred to in EASA AD 2021–0093 only.

(k) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, 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 responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (l) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (k)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(l) Related Information

For more information about this AD, contact Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225; email *dan.rodina@faa.gov.*

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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 this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2021–0093, dated March 30, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0093, 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 find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) 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.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fr.inspection@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on December 15, 2021.

Ross Landes,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

Note: This document was received for publication by the Office of the Federal Register on March 24, 2022.

[FR Doc. 2022–06535 Filed 3–28–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 170

Food Additives

CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

■ In Title 21 of the Code of Federal Regulations, Parts 170 to 199, revised as of April 1, 2021, in § 170.30, reinstate paragraph (g) to read as follows:

§ 170.30 Eligibility for classification as generally recognized as safe (GRAS).

* * * * *

(g) A food ingredient that is not GRAS or subject to a prior sanction requires a food additive regulation promulgated under section 409 of the act before it may be directly or indirectly added to food.

* * * * *

[FR Doc. 2022–06677 Filed 3–28–22; 8:45 am]

BILLING CODE 0099–10–D