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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2021-0307; Project Identifier AD-2021-00407-T; Amendment 39-21513; AD 2021-08-19]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Airplanes

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

**ACTION:** Final rule; request for comments.

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**SUMMARY:** The FAA is superseding Airworthiness Directive (AD) 2021-02-19, which applied to certain The Boeing Company Model 787-8, -9, and -10 airplanes. AD 2021-02-19 required repetitive general visual inspections for disengaged or damaged decompression panels of the bilge barriers located in the forward and aft cargo compartments, reinstallation of disengaged but undamaged panels, and replacement of damaged panels. This AD was prompted by reports of multiple incidents of torn decompression panels found in the bilge area, and the determination that additional airplanes are subject to the unsafe condition. This AD retains the requirements of AD 2021-02-19 and revises the applicability by including additional airplanes. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective May 5, 2021.

The FAA must receive comments on this AD by June 4, 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.

## Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0307; 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:** Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3569; email: Brandon.Lucero@faa.gov.

## SUPPLEMENTARY INFORMATION:

### Background

The FAA issued AD 2021-02-19, Amendment 39-21402 (86 FR 10171, February 19, 2021) (AD 2021-02-19), for certain Boeing Model 787-8, -9, and -10 airplanes. AD 2021-02-19 required repetitive general visual inspections for disengaged or damaged decompression panels of the bilge barriers located in the forward and aft cargo compartments, reinstallation of disengaged but undamaged panels, and replacement of damaged panels. AD 2021-02-19 was prompted by reports of multiple incidents of torn decompression panels found in the bilge area. The FAA issued AD 2021-02-19 to address the possibility of leakage in the bilge area, which could, in the event of a cargo fire, result in insufficient Halon concentrations to adequately control the fire. This condition, if not addressed, could result in the loss of continued safe flight and landing of the airplane.

### Actions Since AD 2021-02-19 Was Issued

Since the FAA issued AD 2021-02-19, the agency received new information indicating that additional airplanes may be subject to the unsafe condition. The applicability of AD 2021-02-19 was limited to airplanes having bilge assemblies with certain decompression panels. Certain other decompression panels were inadvertently omitted from the applicability. The FAA determined that all of the decompression panel part numbers may be subject to damage (tearing) or becoming disengaged.

### FAA's Determination

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

### AD Requirements

This AD retains all requirements of AD 2021-02-19 and revises the applicability to include all Model 787-8, -9, and -10 airplanes.

### Explanation of Serviceable Part

This AD requires replacing damaged decompression panels with new or serviceable parts. For purposes of this AD, a serviceable part is airworthy and eligible for installation. While the part does not need to be new, it must conform to type design and be in condition for safe operation. A decompression panel repaired using an approved maintenance program is considered serviceable.

## **MEL Provision**

Paragraph (h) of this AD specifies that if any decompression panel is disengaged or damaged, the airplane may be operated as specified in the operator's existing FAA-approved minimum equipment list (MEL), provided provisions that address the damaged or disengaged decompression panels are included in the MEL.

## **Explanation of Revised Repetitive Interval**

The repetitive inspection interval required by AD 2021-02-19 was 120 days. This repetitive interval has been changed in this AD to 4 calendar months to better align the interval with routine operator maintenance scheduling. This change will continue to provide an adequate level of safety.

## **Interim Action**

The FAA considers this AD to be an interim action. The manufacturer is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, the FAA might consider additional 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 leakage in the bilge area could, in the event of a cargo fire, result in insufficient Halon concentrations to adequately control the fire, and possible loss of continued safe flight and landing 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-2021-0307 and Project Identifier AD-2021-00407-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 Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3569; email: Brandon.Lucero@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 222 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

### Estimated Costs

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive inspections	3 work-hours × \$85 per hour = \$255 per inspection cycle	\$0	\$85 per inspection cycle	\$56,610 per inspection cycle

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the inspection. The FAA has no way of determining the number of aircraft that might need these replacements:

### On-Condition Costs

Action	Labor cost	Parts cost	Cost per product
Replacement	1 work-hour × \$85 per hour = \$85	(*)	* \$85

\* The FAA has received no definitive data on which to base the parts cost estimates for the replacements 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:
  - a. Removing Airworthiness Directive (AD) 2021-02-19, Amendment 39-21402 (86 FR 10171, February 19, 2021); and
  - b. Adding the following new AD:



**2021-08-19 The Boeing Company:** Amendment 39-21513 ; Docket No. FAA-2021-0307; Project Identifier AD-2021-00407-T.

**(a) Effective Date**

This airworthiness directive (AD) is effective May 5, 2021.

**(b) Affected ADs**

This AD replaces AD 2021-02-19, Amendment 39-21402 (86 FR 10171, February 19, 2021) (AD 2021-02-19).

**(c) Applicability**

This AD applies to all The Boeing Company Model 787-8, -9, and -10 airplanes, certificated in any category.

**(d) Subject**

Air Transport Association (ATA) of America Code 26, Fire protection.

**(e) Unsafe Condition**

This AD was prompted by reports of multiple incidents of torn decompression panels being found in the bilge area and the determination that additional airplanes are subject to the unsafe condition. The FAA is issuing this AD to address the possibility of leakage in the bilge area, which could, in the event of a cargo fire, result in insufficient Halon concentrations to adequately control the fire. This condition, if not addressed, could result in the loss of continued safe flight and landing of the airplane.

**(f) Compliance**

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

**(g) Repetitive Inspections and Corrective Action**

At the applicable times specified in paragraph (g)(1) or (2) of this AD: Do a general visual inspection for disengaged or damaged (torn) decompression panels of the bilge barriers located in the forward and aft cargo compartments. If any disengaged but undamaged panel is found: Before further flight, reinstall the panel. If any damaged panel is found: Before further flight, replace the panel with a new or serviceable panel. Reinstallations and replacements must be done in accordance with the operator's maintenance or inspection program, as applicable.

(1) If a general visual inspection for disengaged or damaged (torn) decompression panels of the bilge barriers was done before the effective date of this AD: Do the next inspection within 4 calendar

months after the most recent inspection. Repeat the inspection thereafter at intervals not to exceed 4 calendar months.

(2) If a general visual inspection for disengaged or damaged (torn) decompression panels of the bilge barriers was not done before the effective date of this AD: Do the initial inspection within 30 days after the effective date of this AD. Repeat the inspection thereafter at intervals not to exceed 4 calendar months.

#### **(h) MEL Provisions**

If any decompression panel inspected as required by this AD is disengaged or damaged, the airplane may be operated as specified in the operator's existing FAA-approved minimum equipment list (MEL), provided provisions that address the disengaged or damaged decompression panels are included in the MEL.

#### **(i) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Seattle 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-Seattle-ACO-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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

#### **(j) Related Information**

For more information about this AD, contact Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3569; email: Brandon.Lucero@faa.gov.

#### **(k) Material Incorporated by Reference**

None.

Issued on April 9, 2021.

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

[FR Doc. 2021-08225 Filed 4-16-21; 4:15 pm]