

# 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-2020-0788; Product Identifier 2020-NM-091-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus SAS Airplanes

**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 SAS Model A300 series airplanes, and 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 proposed AD was prompted by reports of cracking at a certain hole location on the left-hand (LH) side of a certain frame (FR). This proposed AD would require repetitive inspections for discrepancies of certain areas in and around the fuselage, as specified in two European Union Aviation Safety Agency (EASA) ADs, which will be incorporated by reference. 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 16, 2020.

**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:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material that will be incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this IBR 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 on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0788.

#### 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-2020-0788; 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. Comments will be available in the AD docket shortly after receipt.

**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](mailto:Dan.Rodina@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 the **ADDRESSES** section. Include "Docket No. FAA-2020-0788; Product Identifier 2020-NM-091-AD" 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 NPRM based on 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 it receives, without change, to <https://www.regulations.gov>, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact the FAA receives about this NPRM.

#### Confidential Business Information

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 the person identified in the **FOR FURTHER INFORMATION CONTACT** section. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

#### Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0110R1, dated May 27, 2020; and EASA AD 2020-0111R2, dated June 16, 2020 ("EASA AD 2020-0110R1" and "EASA AD 2020-0111R2") (also referred to as "the Mandatory Continuing Airworthiness Information," or "the MCAI"); to correct an unsafe condition for all Airbus SAS Model A300 series airplanes and Airbus SAS Model A300-600 series airplanes.

This proposed AD was prompted by reports of cracking at hole location #10 on the LH side of FR4. The FAA is proposing this AD to address fatigue cracking, which could result in reduced structural integrity of the fuselage. See the MCAI for additional background information.

#### Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0110R1 describes procedures for repetitive special detailed inspections for discrepancies (*i.e.*, cracking) of the fuselage internal structure at certain frames, windshield frame lower section and closing panel, fuselage skin lap joint, and center wing bottom skin internal angle; and applicable corrective actions (repairing discrepancies).

EASA AD 2020–0111R2 describes procedures for repetitive special detailed inspection for discrepancies of the outer wing bottom skin internal joint plate, outer wing bottom skin, fuselage internal structure at certain frames, and windshield frame lower section and closing panel; and applicable corrective actions (repairing discrepancies).

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.

#### FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, the FAA has been

notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD because the FAA has evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Proposed AD Requirements

This proposed AD would require, accomplishing the actions specified in EASA AD 2020–0110R1 and EASA AD 2020–0111R2 described previously, as incorporated by reference. Any differences with EASA AD 2020–0110R1 and EASA AD 2020–0111R2 are identified as exceptions in the regulatory text of this AD.

For the action specified in paragraph (4) of EASA AD 2020–0110R1, the compliance times vary depending on airplane configuration, inspection type, and inspection results. The initial compliance times for the inspections vary between before the accumulation of 18,500 flight cycles and 24,500 flight cycles since the first flight of the airplane. The repetitive intervals for the inspections vary between 1,500 flight cycles and 12,600 flight cycles, depending on inspection results. See Airbus Service Bulletin A300–53–0265, Revision 6, dated July 2, 2012, for more information.

#### Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance

with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0110R1 and EASA AD 2020–0111R2 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0110R1 and EASA AD 2020–0111R2 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 the EASA AD 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 the EASA AD.

Service information specified in EASA AD 2020–0110R1 and EASA AD 2020–0111R2 that is required for compliance with EASA AD 2020–0110R1 and EASA AD 2020–0111R2 will be available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–0788 after the FAA final rule is published.

#### Costs of Compliance

The FAA estimates that this proposed AD affects 118 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

#### ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
90 work-hours × \$85 per hour = \$7,650 .....	\$0	\$7,650	\$902,700

The FAA has received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed 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

The FAA has 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) 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 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 (AD):

**Airbus SAS:** Docket No. FAA–2020–0788; Product Identifier 2020–NM–091–AD.

##### (a) Comments Due Date

The FAA must receive comments by October 16, 2020.

##### (b) Affected ADs

None.

##### (c) Applicability

This AD applies to all Airbus SAS airplanes identified in paragraphs (c)(1) and (2) of this AD, certificated in any category.

(1) Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes; Model A300 B4–605R and B4–622R airplanes; Model A300 F4–605R and F4–622R airplanes; and Model A300 C4–605R Variant F airplanes.

##### (d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage; 57 Wings.

##### (e) Reason

This AD was prompted by reports of cracking at hole location #10 on the left-hand side of frame 4. The FAA is issuing this AD to address fatigue cracking, 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

(1) For airplanes identified in paragraph (c)(1) of this AD: Except as specified in paragraphs (h)(1) and (3) of this AD, comply

with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0110R1, dated May 27, 2020 (“EASA AD 2020–0110R1”).

(2) For airplanes identified in paragraph (c)(2) of this AD: Except as specified in paragraphs (h)(2) and (3) of this AD, comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0111R2, dated June 16, 2020 (“EASA AD 2020–0111R2”).

##### (h) Exceptions to EASA AD 2020–0110R1 and EASA AD 2020–0111R2

(1) Where EASA AD 2020–0110R1 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (4) of EASA AD 2020–0111R2 refers to June 3, 2020 (“the effective date of this AD at original issue”), this AD requires using the effective date of this AD.

(3) The “Remarks” section of EASA AD 2020–0110R1 and EASA AD 2020–0111R2 does not apply to this AD.

##### (i) Other FAA 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 local Flight Standards District 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 (j)(2) of this AD. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. 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.

(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):* For any service information referenced in EASA AD 2020–0110R1 and EASA AD 2020–0111R2 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC 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.

##### (j) Related Information

(1) For information about EASA AD 2020–0110R1 and EASA AD 2020–0111R2, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADS@easa.europa.eu](mailto:ADS@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this EASA AD 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. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–0788.

(2) 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](mailto:Dan.Rodina@faa.gov).

Issued on August 25, 2020.

**Ross Landes,**

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

[FR Doc. 2020–19099 Filed 8–31–20; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### 29 CFR Parts 2510

#### RIN 1210–AB94

#### Registration Requirements for Pooled Plan Providers

**AGENCY:** Employee Benefits Security Administration, Labor.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would establish the requirements for registering with the Department of Labor as a “pooled plan provider” for “pooled employer plans” under sections 3(43) and 3(44) of the Employee Retirement Income Security Act of 1974, as amended (ERISA). The Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act) provides that newly permitted “pooled plan providers” can begin offering “pooled employer plans” on January 1, 2021, but requires such persons to register with the Secretary of Labor before beginning operations. The proposed rule would also establish a new form—EBSA Form PR (Pooled Plan Provider Registration)—as the required filing format for pooled plan provider registrations. Filing the proposed Form