

ty Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. NONPUBLIC COLLABORATIVE DISCUSSIONS BY DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

Section 313 of the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is amended by adding at the end the following new subsection:

“(k) **NONPUBLIC COLLABORATIVE DISCUSSIONS.**—

“(1) **IN GENERAL.**—Notwithstanding section 552b of title 5, United States Code, a quorum of the members of the Board may hold a meeting that is not open to public observation to discuss official business of the Board if—

“(A) no formal or informal vote or other official action is taken at the meeting;

“(B) each individual present at the meeting is a member or an employee of the Board;

“(C) at least one member of the Board from each political party is present at the meeting, unless all members of the Board are of the same political party at the time of the meeting; and

“(D) the general counsel of the Board, or a designee of the general counsel, is present at the meeting.

“(2) **DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.**—

“(A) **IN GENERAL.**—Except as provided by subparagraph (B), not later than two business days after the conclusion of a meeting described in paragraph (1), the Board shall make available to the public, in a place easily accessible to the public—

“(i) a list of the individuals present at the meeting; and

“(ii) a summary of the matters, including key issues, discussed at the meeting, except for any matter the Board properly determines may be withheld from the public under section 552b(c) of title 5, United States Code.

“(B) **INFORMATION ABOUT MATTERS WITHHELD FROM PUBLIC.**—If the Board properly determines under subparagraph (A)(ii) that a matter may be withheld from the public under section 552b(c) of title 5, United States Code, the Board shall include in the summary required by that subparagraph as much general information as possible with respect to the matter.

“(3) **RULES OF CONSTRUCTION.**—Nothing in this subsection may be construed—

“(A) to limit the applicability of section 552b of title 5, United States Code, with respect to—

“(i) a meeting of the members of the Board other than a meeting described in paragraph (1); or

“(ii) any information that is proposed to be withheld from the public under paragraph (2)(A)(ii); or

“(B) to authorize the Board to withhold from any individual any record that is accessible to that individual under section 552a of title 5, United States Code.”.

Rules and Regulations

Federal Register

Vol. 86, No. 165

Monday, August 30, 2021

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.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1704

[Docket No. DNFSB–2021–0001]

Government in the Sunshine Act

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Direct final rule.

SUMMARY: The William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (NDAA) amended the Atomic Energy Act of 1954 (AEA) to grant the Defense Nuclear Facilities Safety Board (Board or DNFSB) relief from certain limitations under the Government in the Sunshine Act (Sunshine Act). The Sunshine Act generally requires all Board meetings to be open to public observation unless certain exemptions apply. The NDAA added a provision to the AEA that permits the Board to hold nonpublic collaborative discussions without following the requirements of the Sunshine Act, so long as certain requirements are met. The Board is publishing this direct final rule to revise the Board’s Sunshine Act regulations consistent with the new AEA provisions for nonpublic collaborative discussions.

DATES: This final rule is effective November 29, 2021 unless significant adverse comments are received by September 29, 2021. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**.

ADDRESSES: You may submit comments at any time prior to the comment deadline by the following methods:

- **Email:** Send an email to *comment@dnfsb.gov*. Please include “Sunshine Act Comments” in the subject line of your email.
- **Mail:** Send hard copy comments to The Defense Nuclear Facilities Safety Board, Attn: Office of the General

Counsel, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901.

FOR FURTHER INFORMATION CONTACT: Eric Fox, Associate General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901, (202) 694–7000.

SUPPLEMENTARY INFORMATION:

I. Background

The NDAA became law on January 1, 2021. The NDAA contained an amendment to the AEA that granted the Board relief from certain requirements of the Sunshine Act. Under the revised section 313 of the AEA (42 U.S.C. 2286b(k)), a quorum of the Board may hold meetings to deliberate on official agency business without public observation so long as it conducts the meeting in compliance with the following requirements: (1) No formal or informal vote may be taken at the meeting; (2) each individual present at the meeting must be a member or an employee of the Board; (3) at least one member from each political party represented on the Board must be present; and (4) the Board’s General Counsel or his or her designee must be present.

In addition to the requirements governing the conduct of the meeting, the AEA requires the Board to publish a summary of the matters discussed, including key issues, no later than two business days following the meeting. In circumstances where the matters discussed are covered by the exemptions to the open meetings requirements of the Sunshine Act, the Board must publish as much general information as possible without disclosing the exempt material. Unlike closed meetings held under the Sunshine Act, no transcript or advanced public notice is required.

II. Section-by-Section Analysis

Section 1704.11 Nonpublic Collaborative Discussions

This new section contains the requirements for the conduct of nonpublic collaborative discussions as well as disclosure after they are held. These requirements are simply restating the language of the AEA, and do not expand or diminish the Board’s obligations when holding a nonpublic collaborative discussion.

III. Regulatory Analysis

Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, agencies must consider the impact of their rulemakings on “small entities” (small businesses, small organizations, and local governments) when publishing regulations subject to the notice and comment requirements of the Administrative Procedure Act. As noted in section IV Rulemaking Procedure below, the Board has determined that notice and the opportunity to comment are unnecessary because this rulemaking constitutes a limited, routine change to implement the recent amendment to the AEA. Therefore, no analysis is required by the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, as amended, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act

The Paperwork Reduction Act (PRA) establishes certain requirements when an agency conducts or sponsors a “collection of information.” 44 U.S.C. 3501–3520. This update to the Board’s Sunshine Act regulations does not require or request information from members of the public. Therefore, this rulemaking is not covered by the restrictions of the PRA.

Executive Order 12988 and Executive Order 13132—Federalism

According to Executive Orders 12988 and 13132, agencies must state in clear language the preemptive effect, if any, of new regulations. The amendments to the agency's Sunshine Act implementing regulations affect only how the Board conducts nonpublic meetings, and therefore, have no effect on preemption of State, tribal, or local government laws or otherwise have federalism implications.

Congressional Review Act

This rule will not result in and is not likely to result in (A) an annual effect on the economy of \$100,000,000 or more; (B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. As such, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act. To comply with the Congressional Review Act, the Board will submit the required information each House of the Congress and the Comptroller General.

Finding of No Significant Environmental Impact

The proposed regulations amend the Board procedures for holding meetings pursuant to the Government in the Sunshine Act. The procedural changes to the Sunshine Act implementing regulations will not result in significant impacts affecting the quality of the human environment, unavoidable adverse environmental effects, rejection of reasonable alternatives to the proposed action, or irreversible or irretrievable commitments of environmental resources. The agency has not consulted with any other agencies in making this determination.

IV. Rulemaking Procedure

In light of the amendments made to the AEA at 42 U.S.C. 2286b(k), this rulemaking makes limited conforming changes to the Board's rules implementing the Sunshine Act (10 CFR part 1704). The Board is using the "direct final rule" procedure because this rulemaking represents a limited, routine change to implement the new provisions of the AEA. This amendment will become effective on November 29, 2021. However, if the Board receives a significant adverse comment by

September 29, 2021, then the Board will publish a notice in the **Federal Register** withdrawing this rule and publishing the changes as a notice of proposed rulemaking. The Board will respond to the significant adverse comment(s) in that notice of proposed rulemaking and take an additional 30 days of comments before publishing any final rule. If no significant adverse comment is received, the Board will publish a notice that confirms the effective date of this direct final rule.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

- (1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:
 - (a) The comment causes the Board staff to reevaluate (or reconsider) its position or conduct additional analysis;
 - (b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or
 - (c) The comment raises a relevant issue that was not previously addressed or considered by the Board.
- (2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition; or
- (3) The comment causes the Board to make a change (other than editorial) to the rule.

List of Subjects in 10 CFR Part 1704

Sunshine Act.

For the reasons stated in the preamble, the Defense Nuclear Facilities Safety Board amends 10 CFR part 1704 as follows:

PART 1704—RULES IMPLEMENTING THE GOVERNMENT IN THE SUNSHINE ACT

- 1. The authority citation for part 1704 is revised to read as follows:

Authority: 5 U.S.C. 552b; 42 U.S.C. 2286, 2286b(c), (k).

- 2. Add § 1704.11 to read as follows:

§ 1704.11 Nonpublic collaborative discussions.

(a) *In general.* Notwithstanding the other requirements of this part, a quorum of Members may hold a meeting that is not open to public observation to

discuss official business of the Board if—

(1) No formal or informal vote or other official action is taken at the meeting;

(2) Each individual present at the meeting is a Member or an employee of the Board;

(3) At least one Member from each political party is present at the meeting, unless all Members are of the same political party at the time of the meeting; and

(4) The general counsel of the Board, or a designee of the general counsel, is present at the meeting.

(b) *Disclosure of nonpublic collaborative discussions.* (1) Except as provided by paragraph (b)(2) of this section, not later than two business days after the conclusion of a meeting described in subsection (a), the Board shall make available to the public, in a place easily accessible to the public—

(i) A list of the individuals present at the meeting; and

(ii) A summary of the matters, including key issues, discussed at the meeting, except for any matter the Board properly determines may be withheld from the public under § 1704.4.

(2) Information about matters withheld from the public. If the Board properly determines under paragraph (b)(1)(ii) of this section that a matter may be withheld from the public under § 1704.4, the Board shall include in the summary required by paragraph (b)(1)(ii) as much general information as possible with respect to the matter.

Dated: August 24, 2021.

Joyce Connery,

Chair.

[FR Doc. 2021–18549 Filed 8–27–21; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0719; Project Identifier MCAI–2021–00858–T; Amendment 39–21709; AD 2021–18–08]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A319–171N; Model A320–271N, –272N, and –273N

From: [Franc Micklem](#)
To: [Comment](#); [Abingdon Peace Group](#)
Subject: [EXTERNAL] Comment on DNFSB-2021-0001-0002 Public Objection to Relief of Nuclear Oversight
Date: Wednesday, September 29, 2021 12:54:13 PM

Please deny the Defense Nuclear Facilities Safety Board (Board or DNFSB) relief from limitations under the Government in the Sunshine Act (Sunshine Act) and require all Board meetings to be open to public observation.

Refuse this public oversight “relief” as it is important that the real military, civil and climate action costs of nuclear power are actually calculated rather than further overlooked.

A warming world is incompatible with a dangerous technology dependent on cool water and fossil back-up power.

Acknowledging the humanitarian disaster of war, Movement for the Abolition of War (MAW) focused on the environmental disasters caused by war and the military. She started with the message that there is a vicious circle between climate change and war, and even the MOD agreed. Climate change is a major cause of war, through drought, floods, inevitable displacement of people, political instability and unrest.

Breaking down the areas in which war contributes to climate change, there were several huge areas where the carbon footprint and emissions had to be considered, including manufacturing weapons through to the steel and cement needed to rebuild bombed cities. Hilary produced evidence that military activities account for at least 6% of greenhouse gases, based on the limited available data.

The Ministry of Defence has been keen to share how they are off-setting their carbon emissions by using nuclear powered submarines, drone technology and increasing their use of biofuels on their bases. Everyone groaned in agreement as she pointed out how all three were equally bad news, what with waste from nuclear, the problems we know well with drones and the competition between biofuels and land available for food crops.

We must question the cultural acceptance of public spending on national security and the inevitability of war. The understanding of ‘security’ isn’t one that we have agreed on and shared a statistic that even a 1% increase in national security risk justified another significant increase in spending on defence.

Second speaker, from APEC.

Nuclear warmongers instigate fights to divert attention from their thievery. First the Soviets were the threat. Then the Russians. The so-called “threats” are China and North Korea now.

It's a racket and a very lucrative one for the war profiteers but not for the climate, and she outlined the real costs: Not only has the industrial military complex directly produced greenhouse gases, the money squandered on bomb-making alone - estimated at ten trillion dollars - has been diverted from investments that would protect coastal cities from flooding.

One estimate was that the elimination of just one proposed nuclear weapons system could free up enough federal funding to "build a massive mechanical wall to protect New York City from sea level rise". Another showed how redirecting the money and the scientific talent from the 30-year, Two-Trillion-Dollar nuclear weapons modernization programme could pay for the Green New Deal.

The Move-The-Money campaign estimated that each trillion Dollars spent on nuclear weapons could have bought 3 million home solar panel systems, or 1 million electric cars, or one million wind turbines, or 67 million clean biomass stoves.

The development of nuclear technology required nearly 15% of all the electricity produced in the US. So, nuclear power's carbon footprint was giant-sized from the beginning. If the money spent to develop the bomb were internalized, nuclear power would have been out of reach.

10-25 Billion Dollar small reactors were proposed that would allegedly supply reliable baseload power. But a warming world is incompatible with a dangerous technology dependent on cool water and fossil back-up power.

Nuclear industry is already in disrepute. A lawsuit filed in September 2020, by community members and whistleblowers. The defendants included the company that succeeded the quasi-public US Enrichment Corp, as well as BWXT, the owner of Nuclear Fuel Services. Individually named in the suit are corporate managers, supervisors, as well as government officials who sanctioned or themselves participated in their conspiracy.

The lawsuit seeks to halt the "pattern of corruption and flagrant disregard for human life perpetrated by the Defendants and the United States Department of Energy". The plaintiffs' brief states that cancer "in some affected areas are "700% greater than the national average", how the "criminal enterprise" altered or destroyed the medical records of workers at the Portsmouth enrichment plant and suppressed information about the release of "transuranics which were clandestinely introduced in the enrichment process".

Even after "uranium and plutonium in homes, schools and creeks" were found, at a public meeting, DOE staff told a concerned crowd that the contaminants found were either from "fallout or from smoke detectors".

In the case, they are accused of operating “an association-in-fact enterprise...with the purpose of achieving pecuniary gain”. They also threatened physical harm against whistleblowers & their families.

More oversight and justification for nuclear power safety risks and costs are required, not less.

Frances Micklem

Kilkenny
56052

- ⁶Yogurt must contain no more than 23 grams of total sugars per 6 ounces.
- ⁷Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.
- ⁸A vegetable may be used to meet the entire fruit requirement. When two vegetables are served at lunch or supper, two different kinds of vegetables must be served.
- ⁹At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count towards the grains requirement.
- ¹⁰Refer to FNS guidance for additional information on crediting different types of grains.
- ¹¹Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).

(3) * * *

TABLE 4 TO PARAGRAPH (C)(3)—CHILD AND ADULT CARE FOOD PROGRAM SNACK
 [Select the two of the five components for a reimbursable meal]

| Food components and food items ¹ | Minimum quantities | | | | |
|---|-------------------------|-------------------------|-------------------------|--|----------------------|
| | Ages 1–2 | Ages 3–5 | Ages 6–12 | Ages 13–18 ² (at-risk afterschool programs and emergency shelters) | Adult participants |
| Fluid Milk ³ | 4 fluid ounces | 6 fluid ounces | 8 fluid ounces | 8 fluid ounces | 8 fluid ounces. |
| Meat/meat alternates (edible portion as served): | | | | | |
| Lean meat, poultry, or fish | 1/2 ounce | 1/2 ounce | 1 ounce | 1 ounce | 1 ounce. |
| Tofu, soy products, or alternate protein products ⁴ | 1/2 ounce | 1/2 ounce | 1 ounce | 1 ounce | 1 ounce. |
| Cheese | 1/2 ounce | 1/2 ounce | 1 ounce | 1 ounce | 1 ounce. |
| Large egg | 1/2 | 1/2 | 1/2 | 1/2 | 1/2. |
| Cooked dry beans or peas | 1/8 cup | 1/8 cup | 1/4 cup | 1/4 cup | 1/4 cup. |
| Peanut butter or soy nut butter or other nut or seed butters. | 1 Tbsp | 1 Tbsp | 2 Tbsp | 2 Tbsp | 2 Tbsp. |
| Yogurt, plain or flavored unsweetened or sweetened ⁵ | 2 ounces or 1/2 cup ... | 2 ounces or 1/2 cup ... | 4 ounces or 3/4 cup ... | 4 ounces or 3/4 cup ... | 4 ounces or 1/2 cup. |
| Peanuts, soy nuts, tree nuts, or seeds .. | 1/2 ounce | 1/2 ounce | 1 ounce | 1 ounce | 1 ounce. |
| Vegetables ⁶ | 1/2 cup | 1/2 cup | 3/4 cup | 3/4 cup | 1/2 cup. |
| Fruits ⁶ | 1/2 cup | 1/2 cup | 3/4 cup | 3/4 cup | 1/2 cup. |
| Grains (oz. eq.) ^{7 8 9} | 1/2 ounce equivalent | 1/2 ounce equivalent | 1 ounce equivalent ... | 1 ounce equivalent ... | 1 ounce equivalent. |

Endnotes:

- ¹Select two of the five components for a reimbursable snack. Only one of the two components may be a beverage.
- ²Larger portion sizes than specified may need to be served to children 13 through 18 years old to meet their nutritional needs.
- ³Must be unflavored whole milk for children age one. Must be unflavored low-fat (1 percent fat or less) or unflavored fat-free (skim) milk for children two through five years old. Must be unflavored low-fat (1 percent fat or less) or unflavored or flavored fat-free (skim) milk for children 6 years old and older and adults. For adult participants, 6 ounces (weight) or 3/4 cup (volume) of yogurt may be used to meet the equivalent of 8 ounces of fluid milk once per day when yogurt is not served as a meat alternate in the same meal.
- ⁴Alternate protein products must meet the requirements in Appendix A to part 226 of this chapter.
- ⁵Yogurt must contain no more than 23 grams of total sugars per 6 ounces.
- ⁶Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.
- ⁷At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count towards the grains requirement.
- ⁸Refer to FNS guidance for additional information on crediting different types of grains.
- ⁹Breakfast cereals must contain no more than 6 grams of sugar per dry ounce (no more than 21.2 grams sucrose and other sugars per 100 grams of dry cereal).

* * * * *

Cynthia Long,
Administrator, Food and Nutrition Service.
 [FR Doc. 2021–22072 Filed 10–14–21; 11:15 am]
BILLING CODE 3410–30–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1704
[Docket No. DNFSB–2021–0001]

Government in the Sunshine Act

AGENCY: Defense Nuclear Facilities Safety Board.
ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Defense Nuclear Facilities Safety Board (DNFSB or Board) is confirming the effective date of November 29, 2021, for the direct final rule that was published in the

Federal Register on August 30, 2021. The direct final rule amended the DNFSB’s regulation implementing the Government in the Sunshine Act to include changes included in the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (NDAA).

DATES: The effective date of November 29, 2021, for the direct final rule published August 30, 2021 (86 FR 48295), is confirmed.

ADDRESSES: *DNFSB’s General Counsel Web Page:* Go to <https://www.dnfsb.gov/office-general-counsel> and click “Rulemaking-DNFSB–2021–0001” to access publicly available information related to this rulemaking.

FOR FURTHER INFORMATION CONTACT: Eric Fox, Associate General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901, (202) 694–7000.

SUPPLEMENTARY INFORMATION: On August 30, 2021 (86 FR 48295), the DNFSB published a direct final rule amending its regulations in part 1704 of title 10 of the Code of Federal Regulations implementing the Government in the Sunshine Act. The Sunshine Act generally requires Board meetings to be open to public observation unless certain exemptions apply. The NDAA added a provision to the Atomic Energy Act of 1954 (AEA) that permits the Board to hold nonpublic collaborative discussions without following the requirements of the Sunshine Act, so long as certain requirements are met. The Board published this direct final rule to revise the Board’s Sunshine Act regulations consistent with the new AEA provisions for nonpublic collaborative discussions.

In the direct final rule, the DNFSB stated that if no significant adverse comments were received, the direct final rule would become effective on

November 29, 2021. The DNFSB received one comment. The DNFSB evaluated the comment against the criteria described in the direct final rule and determined that the comment was not significant and adverse. Specifically, the commentator opposed the legal authority granted in the NDAA, not the implementation of said authority in the DNFSB's regulations. The comment was therefore out of scope, and the direct final rule will become effective as scheduled. The comment is publicly available as part of the rulemaking docket at <https://www.dnfsb.gov/office-general-counsel>.

Dated: October 13, 2021.

Joyce Connery,
Chair.

[FR Doc. 2021-22665 Filed 10-15-21; 8:45 am]

BILLING CODE 3670-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0453; Project Identifier MCAI-2021-00377-R; Amendment 39-21754; AD 2021-20-16]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2021-04-15, which applied to all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters; and certain Model AS350B3 helicopters. AD 2021-04-15 required repetitive visual inspections of the right-hand side of the vertical fin spar for discrepancies (cracking), and corrective action if necessary. This AD retains the requirements of AD 2021-04-15, and requires repetitive cleaning and repetitive detailed inspections for cracking of the vertical fin spar and vertical fin upper attachments, and corrective action if necessary, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD also expands the applicability to include additional Model AS350B3 helicopters. This AD was prompted by a report that, during an unscheduled post-flight inspection of the tail cone area, a crack was found in the spar of the upper part of the vertical fin and fractures were

found in the two front attachment screws. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 22, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 22, 2021.

ADDRESSES: For material 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; internet www.easa.europa.eu. You may find this material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817-222-5110. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0453.

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-2021-0453; 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 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: Kathleen Arrigotti, Program Manager, Large Aircraft Section, International Validation Branch, Compliance & Airworthiness Division, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3218; email kathleen.arrigotti@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021-0099, dated April 9, 2021 (EASA AD 2021-0099) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters; and all Model

AS350B3 helicopters except those that have that embodied Airbus Helicopters Modification 073148 in production. EASA stated that recent analysis identified that AS350B3 helicopters modified through Eurocopter AS350 Service Bulletin 55.00.14 (any revision) in service might also be affected by the identified unsafe condition.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2021-04-15, Amendment 39-21437 (86 FR 13165, March 8, 2021) (AD 2021-04-15). AD 2021-04-15 applied to all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters; and certain Model AS350B3 helicopters. The NPRM published in the **Federal Register** on June 8, 2021 (86 FR 30395). Since the FAA issued AD 2021-04-15, the FAA has determined that additional actions are required to address the unsafe condition. The NPRM proposed to retain the requirements of AD 2021-04-15, and require repetitive cleaning and repetitive detailed inspections for cracking of the vertical fin spar and vertical fin upper attachments, and corrective action if necessary, as specified in an EASA AD. The NPRM also proposed to expand the applicability to include additional Airbus Helicopters Model AS350B3 helicopters.

The FAA is issuing this AD to address cracking in the spar of the upper part of the vertical fin and fractures in the front attachment screws. This condition could lead to in-flight separation of the upper part of the vertical fin, resulting in loss of control of the helicopter. See the MCAI for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received one comment from a commenter. The following presents the comment received on the NPRM and the FAA's response.

Request To Allow Pilots To Do Visual Inspection

The commenter requested that pilots be allowed to perform the proposed repetitive visual inspections of the right-hand side of the vertical fin spar for cracking at intervals not to exceed 10 hours time-in-service. The commenter suggested that only if a crack is suspected that a mechanic be notified. The commenter stated that it is a burden on operators to get a mechanic to a helicopter every 10 hours time-in-service to do the inspection. The