

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2020-0456; Product Identifier 2020-NM-053-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 certain Airbus SAS Model A330-202, -203, -223, -243, -301, -321, -322, -323, -341, -342, and -343 airplanes; and Model A340-200 and -300 series airplanes. This proposed AD was prompted by a report indicating that the allowable load limits on the vertical tail plane could be reached and possibly exceeded in cases of multiple rudder doublet inputs. This proposed AD would require upgrading the flight control data concentrator (FCDC), associated flight control primary computer (FCPC), and flight warning computer (FWC), and activation of the stop rudder input aural warning (SRIW) device, as specified in a European Union Aviation Safety Agency (EASA) AD, 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 July 6, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For the material identified in this proposed AD that will be incorporated by reference (IBR), contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; 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-2020-0456.

**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-2020-0456; 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:**

Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3229; email [vladimir.ulyanov@faa.gov](mailto:vladimir.ulyanov@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-2020-0456; Product Identifier 2020-NM-053-AD" at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM based on those comments.

The FAA will post all comments the FAA 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.

**Discussion**

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0077, dated March 31, 2020 ("EASA AD 2020-0077") (also referred to as the Mandatory Continuing Airworthiness Information, or "the

MCAI"), to correct an unsafe condition for certain Airbus SAS Model A330-202, -203, -223, -243, -301, -321, -322, -323, -341, -342, and -343 airplanes; and Model A340-211, -212, -213, -311, -312, and -313 airplanes.

This proposed AD was prompted by a report indicating that the allowable load limits on the vertical tail plane could be reached and possibly exceeded in cases of multiple rudder doublet inputs. The FAA is proposing this AD to address cases of multiple rudder doublet inputs, which could lead to excessive loads on the vertical tail plane and a subsequent loss of control of the airplane. See the MCAI for additional background information.

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

EASA AD 2020-0077 describes procedures for upgrading the FCDC, associated FCPC, and FWC, and activation of the SRIW device. 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 the FAA's 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 evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

**Proposed AD Requirements**

This proposed AD would require accomplishing the actions specified in EASA AD 2020-0077 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

**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 2020–0077 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0077 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 2020–0077 that is required for compliance with EASA AD 2020–0077

will be available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–0456 after the FAA final rule is published.

**Costs of Compliance**

The FAA estimates that this proposed AD affects 10 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
Up to 10 work-hours × \$85 per hour = \$850 .....	Up to \$31,038 .....	Up to \$31,888 .....	Up to \$318,880.

**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 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–2020–0456; Product Identifier 2020–NM–053–AD.

**(a) Comments Due Date**

The FAA must receive comments by July 6, 2020.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Airbus SAS airplanes identified in paragraphs (c)(1) through (4) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0077, dated March 31, 2020 (“EASA AD 2020–0077”).

- (1) Model A330–202, –203, –223, and –243 airplanes.
- (2) Model A330–301, –321, –322, –323, –341, –342, and –343 airplanes.
- (3) Model A340–211, –212, and –213 airplanes.
- (4) Model A340–311, –312, and –313 airplanes.

**(d) Subject**

Air Transport Association (ATA) of America Code 27, Flight Controls.

**(e) Reason**

This AD was prompted by a report indicating that the allowable load limits on the vertical tail plane could be reached and possibly exceeded in cases of multiple rudder doublet inputs. The FAA is issuing this AD to address cases of multiple rudder doublet inputs, which could lead to excessive loads on the vertical tail plane and a subsequent loss of control of the airplane.

**(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, EASA AD 2020–0077.

**(h) Exceptions to EASA AD 2020–0077**

- (1) Where EASA AD 2020–0077 refers to its effective date, this AD requires using the effective date of this AD.
- (2) The “Remarks” section of EASA AD 2020–0077 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](mailto: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 2020–0077 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 2020–0077, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; 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–2020–0456.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229; email [vladimir.ulyanov@faa.gov](mailto:vladimir.ulyanov@faa.gov).

Issued on May 15, 2020.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2020–10978 Filed 5–21–20; 8:45 am]

**BILLING CODE 4910–13–P**

## FEDERAL TRADE COMMISSION

### 16 CFR Part 318

#### Health Breach Notification

**AGENCY:** Federal Trade Commission.

**ACTION:** Regulatory review; request for public comment.

**SUMMARY:** The Federal Trade Commission (“FTC” or “Commission”) requests public comment on its Health Breach Notification Rule (the “HBN

Rule” or the “Rule”). The Commission is soliciting comment as part of the FTC’s systematic review of all current Commission regulations and guides.

**DATES:** Written comments must be received on or before August 20, 2020.

**ADDRESSES:** Interested parties may file a comment online or on paper by following the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write “Health Breach Notification Rule, 16 CFR part 318, Project No. P205405,” on your comment and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex B), Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Elisa Jillson (202–326–3001), Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The Commission typically reviews its rules every ten years to ensure that the rules have kept up with changes in the marketplace, technology, and business models.<sup>1</sup> The Commission issued the HBN Rule in 2009, and companies were subject to enforcement beginning in 2010. The Commission now requests comment on the HBN Rule, including the costs and benefits of the Rule, and whether particular sections should be retained, eliminated, or modified. All interested persons are hereby given notice of the opportunity to submit written data, views, and arguments concerning the Rule.

The HBN Rule, issued pursuant to section 13407 of the American Recovery and Reinvestment Act of 2009 (“Recovery Act” or “the Act”),<sup>2</sup> became effective on August 25, 2009,<sup>3</sup> and companies were subject to FTC enforcement beginning on February 22, 2010. Section 13407 of the Recovery Act created certain protections for “personal health records” or “PHRs,” electronic

records of identifiable health information that can be drawn from multiple sources and that are managed, shared, and controlled by or primarily for the individual. Specifically, the Recovery Act recognized that vendors of personal health records and PHR related entities (*i.e.*, companies that offer products and services through PHR websites or access information in or send information to PHRs) were collecting consumers’ health information but were not subject to the privacy and security requirements of the Health Insurance Portability and Accountability Act (“HIPAA”).<sup>4</sup> The Recovery Act directed the FTC to issue a rule requiring these entities, and their third-party service providers, to provide notification of any breach of unsecured individually identifiable health information. Accordingly, the HBN Rule requires vendors of PHRs and PHR related entities to provide: (1) Notice to consumers whose unsecured individually identifiable health information has been breached; (2) notice to the media, in many cases; and (3) notice to the Commission. The Rule also requires third party service providers (*i.e.*, those companies that provide services such as billing or data storage) to vendors of PHRs and PHR related entities to provide notification to such vendors and entities following the discovery of a breach.

The Rule requires notice “without unreasonable delay and in no case later than 60 calendar days” after discovery of a data breach. If the breach affects 500 or more individuals, notice to the FTC must be provided “as soon as possible and in no case later than ten business days” after discovery of the breach. The FTC makes available a standard form for companies to use to notify the Commission of a breach.<sup>5</sup> The FTC posts a list of breaches involving 500 or more individuals on its website.<sup>6</sup> This list only includes two breaches, because the Commission has predominantly received notices about breaches affecting fewer than 500 individuals.

Importantly, the Rule does not apply to health information secured through technologies specified by the Department of Health and Human Services (“HHS”) and it does not apply to businesses or organizations covered by HIPAA. HIPAA-covered entities and

<sup>4</sup> Health Insurance Portability & Accountability Act, Public Law 104–191, 110 Stat. 1936 (1996).

<sup>5</sup> Notice of Breach of Health Information, [https://www.ftc.gov/system/files/documents/plain-language/2017\\_5\\_2\\_breach\\_notification\\_form.pdf](https://www.ftc.gov/system/files/documents/plain-language/2017_5_2_breach_notification_form.pdf).

<sup>6</sup> Breach Notices Received by the FTC, [https://www.ftc.gov/system/files/documents/plain-language/draft\\_breach\\_notices\\_received\\_by\\_ftc\\_2015.pdf](https://www.ftc.gov/system/files/documents/plain-language/draft_breach_notices_received_by_ftc_2015.pdf).

<sup>1</sup> See current ten-year schedule for review of FTC rules and guides at 85 FR 20889 (Apr. 15, 2020).

<sup>2</sup> Public Law 111–5, 123 Stat. 115 (2009).

<sup>3</sup> 74 FR 42962 (Aug. 25, 2009).