

and that is within three years (six for construction and architect-engineering) of the completion of performance of the evaluated contract or order. This includes where the small business concern lacks a past performance rating as a prime contractor in the Contractor Performance Assessment Reporting System, or successor system used by the Federal Government to monitor or rate contractor past performance.

§ 125.28 [Amended]

■ 5. Amend § 125.28(a) by removing “§ 125.15(a)” and adding “§ 125.18(a)” in its place.

§§ 125.29 and 125.30 [Amended]

■ 6. In addition to the amendments set forth above, in 13 CFR part 125, remove “§ 125.8” and add “§ 125.12” in its place in the following places:

- a. § 125.29(a); and
- b. § 125.30(g)(4).

Isabella Casillas Guzman,
Administrator.

[FR Doc. 2021-25002 Filed 11-17-21; 8:45 am]

BILLING CODE 8026-03-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-1006; Project Identifier MCAI-2021-00700-T]

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 supersede Airworthiness Directive (AD) 2019-26-01, which applies to certain Airbus SAS Model A350-941 and -1041 airplanes. AD 2019-26-01 requires repetitive detailed inspections, and applicable corrective actions, and provides an optional modification that would terminate the inspections. Since the FAA issued AD 2019-26-01, a determination was made that a related production modification was not properly installed on certain airplanes. This proposed AD would retain the requirements of AD 2019-26-01, and, for certain airplanes, would add a one-time detailed inspection of the modification for proper installation, and applicable corrective actions if necessary, as specified in a European Union Aviation Safety Agency (EASA)

AD, which is proposed for incorporation 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 January 3, 2022.

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 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; internet www.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-2021-1006.

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-2021-1006; 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.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3225; email 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 **ADDRESSES**. Include “Docket No.

FAA-2021-1006; Project Identifier MCAI-2021-00700-T” 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 the proposal 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 proposed AD.

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 Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3225; email dan.rodina@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2019-26-01, Amendment 39-21023 (85 FR 4199, January 24, 2020) (AD 2019-26-01), which applies to certain Airbus SAS Model A350-941 and -1041 airplanes. AD 2019-26-01 requires repetitive detailed inspections, and applicable corrective actions, and provides an optional modification that would terminate the inspections. The FAA issued AD 2019-26-01 to address possible water ingress due to sealant bead damage, which could result in

corrosion damage in the aluminum corner fitting. This condition, if not addressed, could lead to detachment and loss of the trimmable horizontal stabilizer (THS), possibly resulting in loss of control of the airplane and injury to persons on the ground.

Actions Since AD 2019–26–01 Was Issued

Since the FAA issued AD 2019–26–01, it has been determined that Airbus production modification 113102 was not properly installed on certain Airbus SAS Model A350–941 and –1041 airplanes.

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0141, dated June 15, 2021 (EASA AD 2021–0141) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus SAS Model A350–941 and –1041 airplanes. EASA AD 2021–0141 supersedes EASA AD 2019–0206 (which corresponds to FAA AD 2019–26–01).

This proposed AD was prompted by a determination that a related production modification was not properly installed on certain airplanes. The FAA is proposing this AD to address possible water ingress due to sealant bead damage, which could result in corrosion damage in the aluminum corner fitting. This condition, if not addressed, could lead to detachment and loss of the THS, possibly resulting in loss of control of the airplane and injury to persons on the ground. See the MCAI for additional background information.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2019–26–01, this proposed AD would retain all of the requirements of AD 2019–26–01. Those requirements are referenced in EASA AD 2021–0141, which, in turn, is referenced in paragraph (g) of this proposed AD.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0141 describes procedures for repetitive detailed inspections for damage of the fillet sealant and corrosion on aluminum in the lower and upper corner fittings and bearing assembly attachment interface at frame (FR) 102, left-hand and right-hand sides, and an optional modification (application of new corrosion protection in the THS upper and lower attachment fitting bearing assembly) that would eliminate the need for the repetitive inspections. EASA AD 2021–0141 also describes procedures for a one-time detailed inspection of the modification of the lower and upper corner fittings and bearing assembly attachment interface at FR 102, left-hand and right-hand sides (Airbus production modification 113102) for discrepancies (including missing sealant bead, cracks in the sealant bead, and corrosion on the affected bearing zone) and corrective actions (including, but not limited to, a check for grease, a check for cracks in the sealant bead, applying sealant, torquing the bearing nut, inspecting for corrosion on the affected bearing zone, applying corrosion preventative compound and actions to address missing grease and corrosion). 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 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 2021–0141 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 developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2021–0141 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0141 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 EASA AD 2021–0141 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 EASA AD 2021–0141. Service information required by EASA AD 2021–0141 for compliance will be available at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2021–1006 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 15 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2019–26–01	30 work-hours × \$85 per hour = \$2,550	\$0	\$2,550	\$38,250
New proposed actions	32 work-hours × \$85 per hour = \$2,720	0	2,720	40,800

The FAA has received no definitive data that would enable the agency to

provide cost estimates for the corrective

actions (including repair) specified in this proposed AD.

ESTIMATED COSTS OF OPTIONAL ACTIONS

Labor cost	Parts cost	Cost per product
34 work-hours × \$85 per hour = \$2,890	\$0	\$2,890

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) Would not affect intrastate aviation in Alaska, and
- (3) Would 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:
 - a. Removing Airworthiness Directive (AD) 2019–26–01, Amendment 39–21023 (85 FR 4199, January 24, 2020); and
 - b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2021–1006; Project Identifier MCAI–2021–00700–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 3, 2022.

(b) Affected ADs

This AD replaces AD 2019–26–01, Amendment 39–21023 (85 FR 4199, January 24, 2020) (AD 2019–26–01).

(c) Applicability

This AD applies to Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2021–0141, dated June 15, 2021 (EASA AD 2021–0141).

(d) Subject

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

(e) Reason

This AD was prompted by reports of sealant bead damage caused by rotation of the attachment fitting bearing assembly of a trimmable horizontal stabilizer (THS) and a determination that a related production modification was not properly installed on certain airplanes. The FAA is issuing this AD to address possible water ingress due to sealant bead damage, which could result in corrosion damage in the aluminum corner fitting. This condition, if not addressed, could lead to detachment and loss of the THS, possibly resulting in loss of control of the airplane and injury to persons on the ground.

(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 2021–0141.

(h) Exceptions to EASA AD 2021–0141

(1) Where EASA AD 2021–0141 refers to February 21, 2018 (the effective date of EASA AD 2018–0037), this AD requires using February 28, 2020 (the effective date of FAA AD 2019–26–01).

(2) Where EASA AD 2021–0141 refers to its effective date, this AD requires using the effective date of this AD.

(3) The “Remarks” section of EASA AD 2021–0141 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 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 (j)(2) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(ii) AMOCs approved previously for AD 2019–26–01 are approved as AMOCs for the corresponding provisions of EASA AD 2021–0141 that are required by paragraph (g) of this AD.

(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 2021–0141 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 2021–0141, 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>. 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–2021–1006.

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

Issued on November 12, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–25072 Filed 11–17–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 61 and 68**

[Docket No. FAA–2021–1040; Notice No. 22–02]

RIN 2120–AL51

Medical Certification Standards for Commercial Balloon Operations

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes that airmen hold a valid second-class medical certificate when exercising the privileges of a commercial pilot certificate in a balloon for compensation or hire except when conducting flight training in a balloon. In addition, the FAA proposes miscellaneous amendments related to medical certification requirements for medical flight tests and a minor change to the BasicMed regulations.

DATES: Send comments on or before January 18, 2022.

ADDRESSES: Send comments identified by docket number FAA–2021–1040 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>.

Docket: Background documents or comments received may be read at <https://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Bradley Zeigler, Airman Training and Certification Branch, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; (202) 267–9601; email Bradley.C.Zeigler@faa.gov.

SUPPLEMENTARY INFORMATION:**List of Abbreviations and Acronyms Frequently Used in This Document**

AMCD	Aerospace Medical Certification Division
ADHD	Attention Deficit Hyperactivity Disorder
AME	Aviation Medical Examiner
ASI	Aviation Safety Inspector
ATP	Airline Transport Pilot
BFA	Balloon Federation of America
IRFA	Initial Regulatory Flexibility Analysis
LOA	Letter of Authorization
NDR	National Driver Register
NPRM	Notice of proposed rulemaking
NTSB	National Transportation Safety Board
PDPS	Problem Driver Pointer System
PIC	Pilot in Command
SIC	Second in Command
SODA	Statement of Demonstrated Ability

I. Executive Summary

This rulemaking proposes amendments in §§ 61.3 and 61.23 of title 14 of the Code of Federal Regulations (14 CFR) to require commercial balloon

pilots¹ conducting operations for compensation or hire to hold a valid second-class medical certificate. Additionally, this proposed rule would continue to allow pilots to provide flight training in balloons without requiring a medical certificate. The proposed rule includes related amendments to the table of medical certificate duration in § 61.23(d) for consistency with the proposed amendments to §§ 61.3 and 61.23(a) and (b). The FAA is also proposing miscellaneous amendments related to medical certification for medical flight tests and a minor change to the Alternative Pilot Physical Examination and Education Requirements final rule, which amended sections of part 61 and established part 68. In this preamble, these regulations will be referred to as BasicMed.

This rulemaking would implement section 318 (“Commercial Balloon Pilot Safety Act of 2018”) of Public Law 115–254, the FAA Reauthorization Act of 2018. In addition, this rulemaking responds to National Transportation Safety Board (NTSB) Safety Recommendation A–17–034, which recommends that the FAA remove the medical certification exemption in part 61 for commercial balloon pilots receiving compensation for transporting passengers.

The proposed rule would generate costs for balloon pilots to obtain a second-class medical certificate and for some pilots to seek authorization through special issuance. There would also be costs to the FAA to implement this requirement in terms of reviewing and processing submissions related to certification. The FAA estimates the present value of total costs over ten years is \$2.6 million to \$17.8 million with a mid-estimate of \$7.5 million at a 7 percent discount rate and \$3.1 million to \$21.7 million with a mid-estimate of \$9.1 million at a 3 percent discount rate. The annualized costs over ten years is \$0.4 million to \$2.5 million with a mid-estimate of \$1.1 million at a 7 percent discount rate and \$0.4 million to \$2.5 million with a mid-estimate of \$1.1 million at a 3 percent discount rate. The wide range in the cost estimates primarily reflect the uncertainty on the number of commercial balloon pilots.²

The benefits of the proposed rule include enhanced safety of commercial

¹ The FAA uses the term “commercial balloon pilots” in this NPRM to refer to airmen conducting operations in a balloon for compensation or hire, including operations involving the carriage of persons or property.

² For more detail on the model used to predict the range, please refer to the “Affected Entities” under section V.A. of this preamble.