

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

[Docket No. FAA-2019-0122; Product Identifier 2018-NM-164-AD; Amendment 39-19592; AD 2019-05-10]

RIN 2120-AA64

**Airworthiness Directives; Airbus SAS Airplanes**

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

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

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain Airbus SAS Model A350-941 airplanes. This AD was prompted by a report of un-torqued nuts on certain slat and flap shaft junctions of the wings. This AD requires a one-time inspection on each junction of certain slat and flap shafts for discrepancies, and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD becomes effective April 8, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 8, 2019.

We must receive comments on this AD by May 6, 2019.

**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 <http://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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email [continued-airworthiness.a350@airbus.com](mailto:continued-airworthiness.a350@airbus.com); internet <http://www.airbus.com>. You may view this referenced service information at the

FAA, Transport Standards 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 on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0122.

**Examining the AD Docket**

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0122; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3218.

**SUPPLEMENTARY INFORMATION:****Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018-0244, dated November 13, 2018; (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Airbus SAS Model A350-941 airplanes. The MCAI states:

During inspection on an aeroplane in final assembly line, un-torqued nuts on slat and flap shaft junctions have been reported.

This condition, if not detected and corrected, in case of two or more nuts missing or incorrectly torqued on a shaft junction and concurrent failure of a different shaft, could lead to uncommanded slat or flap movement, possibly resulting in loss of control of the aeroplane.

To address this potential unsafe condition, Airbus published the SB [Service Bulletin A350-27-P022] to provide applicable instructions.

For the reasons describe above, this [EASA] AD requires a one-time detailed inspection (DET) of each affected junction, and, depending on findings, accomplishment of applicable corrective action(s).

Corrective actions include ensuring correct torque on all nuts and bolts, applying torque red line markings on affected nuts, and replacing any missing bolt. You may examine the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for

and locating Docket No. FAA-2019-0122.

**Related Service Information Under 14 CFR Part 51**

Airbus has issued Service Bulletin A350-27-P022, Revision 00, dated June 6, 2018. This service information describes procedures for a one-time inspection of each junction of flap torque-shaft 2 and slat torque-shafts 2 and 4 for discrepancies (including missing torque marking on any nut, any untorqued nut, or any missing bolt). The service information also describes procedures for torquing any affected nuts and bolts, applying torque red line markings on affected nuts, and replacing any missing bolts.

This service information 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**

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, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

**Requirements of This AD**

This AD requires accomplishing the actions specified in the service information described previously.

**FAA's Justification and Determination of the Effective Date**

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because two or more missing or incorrectly torqued nuts on a junction of certain slat and flap shafts, concurrent failure of an alternate flap shaft, and consequent uncommanded slat or flap movement, could result in loss of control of the airplane. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons stated above, we find that good cause exists for making this amendment effective in less than 30 days.

**Comments Invited**

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2019-0122;

Product Identifier 2018-NM-164-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

We will post all comments we receive, without change, to [http://](http://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov), including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

**Costs of Compliance**

We estimate that this AD affects 1 airplane of U.S. registry. We estimate the following costs to comply with this AD:

**ESTIMATED COSTS FOR REQUIRED ACTIONS**

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
12 work-hours × \$85 per hour = \$1,020 .....	\$0	\$1,020	\$1,020

We estimate the following costs to do any necessary on-condition actions that would be required based on the results

of any required actions. We have no way of determining the number of aircraft

that might need these on-condition actions:

**ESTIMATED COSTS OF ON-CONDITION ACTIONS**

Labor cost	Parts cost	Cost per product
3 work-hours × \$85 per hour = \$255 .....	\$1,000	\$1,255

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all known costs in our cost estimate.

**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.

We are 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.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C.

In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes and associated appliances to the Director of the System Oversight Division.

**Regulatory Findings**

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. 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.

**Adoption of the Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**2019-05-10 Airbus SAS:** Amendment 39-19592; Docket No. FAA-2019-0122; Product Identifier 2018-NM-164-AD.

**(a) Effective Date**

This AD becomes effective April 8, 2019.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Airbus SAS Model A350-941 airplanes, certificated in any category, manufacturer serial numbers as identified in Airbus Service Bulletin A350-27-P022, Revision 00, dated June 6, 2018.

**(d) Subject**

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

**(e) Reason**

This AD was prompted by a report of untorqued nuts on certain slat and flap shaft junctions of the wings. We are issuing this AD to address two or more missing or incorrectly torqued nuts on a junction of certain slat and flap shafts, concurrent failure of an alternate flap shaft, and consequent uncommanded slat or flap movement, which could result in loss of control of the airplane.

**(f) Compliance**

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

**(g) One-Time Inspection and Corrective Action**

Within 3 months after the effective date of this AD: Do a one-time detailed inspection (including a torque check on any affected nut) on each junction of flap torque-shaft 2 and slat torque-shafts 2 and 4 of the right and left hand wing for discrepancies (including missing torque marking on any nut, any untorqued nut, or any missing bolt), and do all applicable corrective actions in accordance with the Accomplishment Instructions of Airbus Service Bulletin A350-27-P022, Revision 00, dated June 6, 2018. Do all applicable corrective actions at the applicable times specified in paragraph 1.E., "Compliance," of Airbus Service Bulletin A350-27-P022, Revision 00, dated June 6, 2018.

**(h) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Section, Transport Standards 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 International Section, send it to the attention of the person identified in paragraph (i)(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 corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (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)*: If any service information contains procedures or tests that are identified as RC, those

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.

**(i) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018-0244, dated November 13, 2018, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0122.

(2) For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3218.

**(j) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Airbus Service Bulletin A350-27-P022, Revision 00, dated June 6, 2018.

(ii) [Reserved]

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email [continued-airworthiness.a350@airbus.com](mailto:continued-airworthiness.a350@airbus.com); internet <http://www.airbus.com>.

(4) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Des Moines, Washington, on March 13, 2019.

**Michael Kaszycki,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2019-05490 Filed 3-21-19; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Parts 723, 724, 845, and 846**

[Docket ID: OSM-2018-0009; S1D1S SS08011000 SX064A000 190S180110; S2D2S SS08011000 SX064A000 19XS501520]

RIN 1029-AC76

**Civil Monetary Penalty Inflation Adjustments**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Act), and Office of Management and Budget (OMB) guidance, this rule adjusts for inflation the level of civil monetary penalties assessed under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

**DATES:** This rule is effective on March 22, 2019.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Vello, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Mail Stop 4550, Washington, DC 20240; Telephone (202) 208-1908. Email: [kvello@osmre.gov](mailto:kvello@osmre.gov).

**SUPPLEMENTARY INFORMATION:****Table of Contents**

- I. Background
  - A. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015
  - B. Calculation of Adjustments
  - C. Effect of the Rule in Federal Program States and on Indian Lands
  - D. Effect of the Rule on Approved State Programs
- II. Procedural Matters and Required Determinations
  - A. Regulatory Planning and Review (Executive Orders 12866, 13563, and 13771)
  - B. Regulatory Flexibility Act
  - C. Small Business Regulatory Enforcement Fairness Act
  - D. Unfunded Mandates Reform Act
  - E. Takings (Executive Order 12630)
  - F. Federalism (Executive Order 13132)
  - G. Civil Justice Reform (Executive Order 12988)
  - H. Consultation With Indian Tribes (Executive Order 13175 and Departmental Policy)
  - I. Paperwork Reduction Act
  - J. National Environmental Policy Act
  - K. Effects on Energy Supply, Distribution, and Use (Executive Order 13211)
  - L. Clarity of This Regulation