

Michael J. Hsu,

Acting Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System.

Ann E. Misback,

Secretary of the Board.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on January 16, 2024.

James P. Sheesley,

Assistant Executive Secretary.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2024-0218; Project Identifier AD-2023-00779-T]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all The Boeing Company Model 787-8, 787-9, and 787-10 airplanes. This proposed AD was prompted by a determination that the flight deck door decompression panel can strike the captain's seat headrest if a flight deck decompression event occurs when the seat is in a certain position. This proposed AD would require, for certain airplanes, replacing the affected captain's seat assembly. This proposed AD would also prohibit the installation of affected parts. 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 March 22, 2024.

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 *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.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA-2024-0218; 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.

Material Incorporated by Reference:

- For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; website *myboeingfleet.com*.

- You may view this service information 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 at *regulations.gov* by searching for and locating Docket No. FAA-2024-0218.

FOR FURTHER INFORMATION CONTACT: Nicole S. Tsang, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3959; email *Nicole.S.Tsang@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-2024-0218; Project Identifier AD-2023-00779-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 this 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 *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

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 Nicole S. Tsang, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3959; email *Nicole.S.Tsang@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The flight deck door decompression panel opens forward if a flight deck decompression event occurs. The FAA previously certificated flight deck doors to include this functionality. The FAA has since determined that the decompression panel could strike the captain's head or face if the seat is in the aft track position with full recline and full seat pan tilt during a flight deck decompression event. The captain's seat headrest is in the path of the decompression panel when the seat is in the aft track position with full recline and full seat pan tilt. The decompression panel opens in approximately 20 to 50 milliseconds and can strike the captain's seat headrest. The FAA is issuing this AD to address the possibility that the decompression panel could strike the captain's head or face. The unsafe condition, if not addressed, could result in serious or potentially fatal injury to the captain after a flight deck decompression event.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 14 CFR Part 51

The FAA reviewed Boeing Special Attention Requirements Bulletin B787-81205-SB250294-00 RB, Issue 001, dated June 14, 2023. This service

information specifies procedures for replacing the affected captain’s seat assembly part number (P/N) S632Z301–21 (Ipeco P/N 3A380–0007–01–7) with captain’s seat assembly P/N S632Z301–31 (Ipeco P/N 3A380–0007–01–8).

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 **ADDRESSES**.

Proposed AD Requirements in This NPRM

For airplanes with affected captain’s seat assemblies, this proposed AD would require accomplishing the actions specified in the service information already described, except as discussed under “Difference Between this Proposed AD and the Service Information,” and except for any differences identified as exceptions in the regulatory text of this proposed AD. This proposed AD would also prohibit the installation of affected captain’s flight deck seats. For information on the procedures and compliance times, see this service information at *regulations.gov* under Docket No. FAA–2024–0218.

Related Rulemaking

AD 2016–19–04, Amendment 18653 (81 FR 65857, September 26, 2016) (AD 2016–19–04), requires repetitive inspections of the captain’s and first officer’s seat assemblies on Model 787–8 airplanes, and eventual installation of new seat assemblies, which terminates the repetitive tests. AD 2016–19–04 was prompted by uncommanded movement by a captain’s seat during a landing rollout due to a failure in the seat horizontal actuator. Since that AD was issued, the FAA learned of the possibility of the decompression panel striking the captain’s head or face when the seat is in the aft track position with full recline and full seat pan tilt during a flight deck decompression event. A new captain’s seat assembly was developed with reduced seat recline and seat pan tilt adjustment ranges that preclude interference from the flight deck door decompression panel that could open when the seat is in aft seat track positions. Although AD 2016–19–04 affects both the captain’s and first officer’s seats, this proposed AD would require replacing only the captain’s seat assembly with the new seat assembly, which would terminate the requirement to replace the captain’s seat assembly of AD 2016–19–04.

Difference Between This Proposed AD and the Service Information

The effectivity of Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023, is limited to Model 787–8, 787–9, and 787–10 airplanes having certain line numbers. However, the applicability of this proposed AD includes all Boeing Model 787–8, 787–9, and 787–10 airplanes. The captain’s seat assembly, Boeing part number (P/N) S632Z301–21 (Ipeco P/N 3A380–0007–01–7), is a rotatable part, so the FAA has determined that these parts could later be installed on airplanes that were initially delivered with acceptable seat assemblies, thereby subjecting those airplanes to the unsafe condition. The FAA has confirmed that the Accomplishment Instructions in Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023, are applicable to the expanded group of airplanes.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 155 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement	Up to 3 work-hours × \$85 per hour = \$255	\$1,335	Up to \$1,590	Up to \$246,450.

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 adding the following new airworthiness directive:

The Boeing Company: Docket No. FAA–2024–0218; Project Identifier AD–2023–00779–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 22, 2024.

(b) Affected ADs

This AD affects AD 2016–19–04, Amendment 18653 (81 FR 65857, September 26, 2016) (AD 2016–19–04).

(c) Applicability

This AD applies to all The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by a determination that the flight deck door decompression panel can strike the captain's seat headrest if a flight deck decompression event occurs when the seat is in a certain position. The FAA is issuing this AD to address the possibility that the decompression panel could strike the captain's head or face. The unsafe condition, if not addressed, could result in serious or potentially fatal injury to the captain after a flight deck decompression event.

(f) Compliance

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

(g) Required Actions

For airplanes with an original certificate of airworthiness or original export certificate of airworthiness issued on or before the effective date of this AD, with a seat assembly having Boeing part number S632Z301–21 (Ipeco part number 3A380–0007–01–7) installed on the captain's side: Except as specified by paragraph (h) of this AD, at the applicable times specified in the "Compliance" paragraph of Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Special Attention Service Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023, which is referred to in Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023.

(h) Exceptions to Service Information Specifications

(1) Where the Boeing Recommended Compliance Time column of the table in the "Compliance" paragraph of Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023, uses the phrase "the Issue 001 date of Requirements Bulletin B787–81205–

SB250294–00 RB," this AD requires using "the effective date of this AD."

(2) Where Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023, specifies replacement with captain's seat assemblies having P/N S632Z301–31 (Ipeco P/N 3A380–0007–01–8), this AD requires installing that part number or a later-approved part number. Later-approved part numbers are only those that are approved as a replacement for the applicable captain's seat assembly, and are approved as part of the type design by the FAA or The Boeing Company Organization Designation Authorization (ODA) after June 14, 2023 (the issuance date of Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001).

(i) Terminating Action for Certain Requirements of AD 2016–19–04

Replacement of the captain's seat assembly as required by paragraph (g) of this AD terminates the requirements of paragraph (h)(1) of AD 2016–19–04, for that captain's seat assembly only.

(j) Parts Installation Prohibition

As of the effective date of this AD, no person may install a captain's seat assembly, Boeing part number (P/N) S632Z301–21 (Ipeco P/N 3A380–0007–01–7), on any airplane.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520, Continued Operational Safety 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 manager of the certification office, send it to the attention of the person identified in paragraph (l) of this AD. Information may be emailed to: 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(l) Related Information

For more information about this AD, contact Nicole S. Tsang, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3959; email Nicole.S.Tsang@faa.gov.

(m) 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 the AD specifies otherwise.

(i) Boeing Special Attention Requirements Bulletin B787–81205–SB250294–00 RB, Issue 001, dated June 14, 2023.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website myboeingfleet.com.

(4) You may view this service information 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.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov.

Issued on January 29, 2024.

Victor Wicklund,

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

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COMMODITY FUTURES TRADING COMMISSION**17 CFR Part 39****RIN 3038–AF39****Protection of Clearing Member Funds Held by Derivatives Clearing Organizations**

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of comment period.

SUMMARY: On January 3, 2024, the Commodity Futures Trading Commission (Commission) published, in the **Federal Register**, a notice of proposed rulemaking (NPRM) titled Protection of Clearing Member Funds Held by Derivatives Clearing Organizations. The comment period for the NPRM was to close on February 16, 2024. The Commission is extending the comment period for this NPRM by an additional 31 days.

DATES: The comment period for the NPRM titled Protection of Clearing Member Funds Held by Derivatives Clearing Organizations, published January 3, 2024 (89 FR 286), is