

[Federal Register, Volume 88 Number 43 (Monday, March 6, 2023)]

[Rules and Regulations]

[Pages 13668-13671]

From the Federal Register Online via the Government Publishing Office [www.gpo.gov]

[FR Doc No: 2023-04464]

---

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2022-1578; Project Identifier MCAI-2022-00858-T; Amendment 39-22352; AD 2023-04-05]**

**RIN 2120-AA64**

### **Airworthiness Directives; Airbus SAS Airplanes**

#### **AGENCY:**

Federal Aviation Administration (FAA), DOT.

#### **ACTION:**

Final rule.

#### **SUMMARY:**

The FAA is superseding Airworthiness Directive (AD) 2022-09-11, which applied to certain Airbus SAS Model A350-941 and -1041 airplanes. AD 2022-09-11 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD continues to require the actions in AD 2022-09-11 and requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

#### **DATES:**

This AD is effective April 10, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 10, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain other

publication listed in this AD as of June 21, 2022 ([87 FR 29819](#), May 17, 2022).

## ADDRESSES:

*AD Docket:* You may examine the AD docket at *regulations.gov* under Docket No. FAA-2022-1578; 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, the mandatory continuing airworthiness information (MCAI), 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.

### *Material Incorporated by Reference:*

- For material incorporated by reference in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); website [easa.europa.eu](http://easa.europa.eu). You may find this material on the EASA website at [ad.easa.europa.eu](http://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. It is also available in the AD docket at *regulations.gov* under Docket No. FAA-2022-1578.

## FOR FURTHER INFORMATION CONTACT:

Dat Le, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 516-228-7317; email [dat.v.le@faa.gov](mailto:dat.v.le@faa.gov).

## SUPPLEMENTARY INFORMATION:

### Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend [14 CFR part 39](#) to supersede AD 2022-09-11, Amendment 39-22031 ([87 FR 29819](#), May 17, 2022) (AD 2022-09-11). AD 2022-09-11 applied to certain Airbus SAS Model A350-941 and -1041 airplanes. AD 2022-09-11 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2022-09-11 to address reduced structural integrity of the airplane.

The NPRM published in the **Federal Register** on December 13, 2022 ([87 FR 76162](#)). The NPRM was prompted by AD 2022-0125, dated June 28, 2022, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2022-0125) (referred to after this as the MCAI). The MCAI states that new or more restrictive airworthiness limitations have been developed.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA-2022-1578.

In the NPRM, the FAA proposed to continue to require the actions in AD 2022-09-11 and to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more

restrictive airworthiness limitations, as specified in EASA AD 2022-0125. The FAA is issuing this AD to address reduced structural integrity of the airplane.

## **Discussion of Final Airworthiness Directive**

### **Comments**

The FAA received a comment from The Air Line Pilots Association, International (ALPA), who supported the NPRM without change.

### **Conclusion**

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 this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

### **Related Service Information Under [1 CFR Part 51](#)**

EASA AD 2022-0125 specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This AD also requires EASA AD 2021-0207, dated September 15, 2021, which the Director of the Federal Register approved for incorporation by reference as of June 21, 2022 ([87 FR 29819](#), May 17, 2022).

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.

### **Costs of Compliance**

The FAA estimates that this AD affects 30 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2022-09-11 to be \$7,650 (90 work-hours × \$85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new actions to be \$7,650 (90 work-hours × \$85 per work-hour).

## 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

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) 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 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:

**a.** Removing Airworthiness Directive (AD) 2022-09-11, Amendment 39-22031 ( [87 FR 29819](#), May 17, 2022); and

**b.** Adding the following new AD:

**2023-04-05 Airbus SAS:** Amendment 39-22352; Docket No. FAA-2022-1578; Project Identifier MCAI-2022-00858-T.

**(a) Effective Date**

This airworthiness directive (AD) is effective April 10, 2023.

**(b) Affected ADs**

This AD replaces AD 2022-09-11, Amendment 39-22031 ([87 FR 29819](#), May 17, 2022) (AD 2022-09-11).

**(c) Applicability**

This AD applies to Airbus SAS Model A350-941 and -1041 airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before May 2, 2022.

**(d) Subject**

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

**(e) Unsafe Condition**

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address reduced structural integrity of the airplane.

**(f) Compliance**

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

**(g) Retained Maintenance or Inspection Program Revision, With No Changes**

This paragraph restates the requirements of paragraph (j) of AD 2022-09-11, with no changes. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before June 30, 2021: Except as specified in paragraph (h) of this AD, comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021-0207, dated September 15, 2021 (EASA AD 2021-0207). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

**(h) Retained Exceptions to EASA AD 2021-0207, With No Changes**

This paragraph restates the requirements of paragraph (k) of AD 2022-09-11, with no changes.

- (1) Where EASA AD 2021-0207 refers to its effective date, this AD requires using June 21, 2022 (the effective date of AD 2022-09-11).
- (2) The requirements specified in paragraphs (1) and (2) of EASA AD 2021-0207 do not apply to this AD.
- (3) Paragraph (3) of EASA AD 2021-0207 specifies revising “the approved AMP” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after June 21, 2022 (the effective date of AD 2022-09-11).
- (4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA 2021-0207 is at the “applicable thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2021-0207, or within 90 days after June 21, 2022 (the effective date of AD 2022-09-11), whichever occurs later.
- (5) The provisions specified in paragraphs (4) and (5) of EASA AD 2021-0207 do not apply to this AD.
- (6) The “Remarks” section of EASA AD 2021-0207 does not apply to this AD.

**(i) Retained Provisions for Alternative Actions or Intervals, With a New Exception**

This paragraph restates the requirements of paragraph (l) of AD 2022-09-11, with a new exception. Except as required by paragraph (j) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions ( *e.g.*, inspections) or intervals are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2021-0207.

**(j) New Revision of the Existing Maintenance or Inspection Program**

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2022-0125, dated June 28, 2022 (EASA AD 2022-0125). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

**(k) Exceptions to EASA AD 2022-0125**

- (1) Where EASA AD 2022-0125 refers to its effective date, this AD requires using the effective date of this AD.
- (2) The requirements specified in paragraphs (1) and (2) of EASA AD 2022-0125 do not apply to this AD.
- (3) Paragraph (3) of EASA AD 2022-0125 specifies revising “the approved AMP” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.
- (4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2022-0125 is at the applicable “thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2022-

0125, or within 90 days after the effective date of this AD, whichever occurs later.

(5) The provisions specified in paragraphs (4) and (5) of EASA AD 2022-0125 do not apply to this AD.

(6) The “Remarks” section of EASA AD 2022-0125 does not apply to this AD.

### **(l) New Provisions for Alternative Actions and Intervals**

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions ( *e.g.*, inspections) and intervals are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2022-0125.

### **(m) Additional FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, 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 International Validation Branch, send it to the attention of the person identified in paragraph (n) of this AD. Information may be emailed to: [9-AVS-AIR-730-AMOC@faa.gov](mailto:9-AVS-AIR-730-AMOC@faa.gov). Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards 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, 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.

### **(n) Additional Information**

For more information about this AD, contact Dat Le, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 516-228-7317; email [dat.v.le@faa.gov](mailto:dat.v.le@faa.gov).

### **(o) 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.

(3) The following service information was approved for IBR on April 10, 2023.

(i) European Union Aviation Safety Agency (EASA) AD 2022-0125, dated June 28, 2022.

(ii) [Reserved]

(4) The following service information was approved for IBR on June 21, 2022 ([87 FR 29819](#), May 17, 2022).

(i) European Union Aviation Safety Agency (EASA) AD 2021-0207, dated September 15, 2021.

(ii) [Reserved]

(5) For EASA AD 2022-0125 and AD 2021-0207, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); website [easa.europa.eu](http://easa.europa.eu). You may find these EASA ADs on the EASA website at [ad.easa.europa.eu](http://ad.easa.europa.eu).

(6) 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.

(7) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

Issued on February 15, 2023.

Christina Underwood,

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

[[FR Doc. 2023-04464](#) Filed 3-3-23; 8:45 am]

BILLING CODE 4910-13-P