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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1296; Project Identifier MCAI–2022–00628–T; Amendment 39–22495; AD 2023–13–10]

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) 2020–20–05 and AD 2022–09–16, which applied to certain Airbus SAS Model A318 series; A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, and –153N; A320 series; and A321 series airplanes. AD 2020–20–05 and AD 2022–09–16 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 2022–09–16, and also requires revising the existing maintenance or inspection program, as applicable, to incorporate additional 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 September 5, 2023.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 5, 2023

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2022–1296; 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;* website *easa.europa.eu*. You may find this material on the EASA website at *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–2022–1296.

FOR FURTHER INFORMATION CONTACT:

Dan Rodina, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3225; email *dan.rodina@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2020–20–05, Amendment 39–21261 (85 FR 65197, October 15, 2020) (AD 2020–20–05), and AD 2022–09–16, Amendment 39–22036 (87 FR 31943, May 26, 2022) (AD 2022–09–16). AD 2020–20–05 and AD 2022–09–16 applied to certain Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, and –153N airplanes; Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model –111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes. AD 2020–20–05 and AD 2022–09–16 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2020–20–05 and AD 2022–09–16 to address fatigue cracking, accidental damage, or corrosion in principal structural elements, which could result in reduced structural integrity of the airplane.

The NPRM published in the **Federal Register** on October 20, 2022 (87 FR 63712). The NPRM was prompted by AD 2022–0085, dated May 12, 2022, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2022–0085) (also referred to as the MCAI). The MCAI states that new and/or more restrictive maintenance tasks have been published.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2022–1296.

In the NPRM, the FAA proposed to continue to require the actions in AD 2022–09–16 and require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, as specified in EASA AD 2022–0085. The NPRM also proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2021–0140.

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to supersede AD 2020–20–05 and AD 2022–09–16. The SNPRM published in the **Federal Register** on March 23, 2023 (88 FR 17429) (the SNPRM). The SNPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary. In the SNPRM, the FAA proposed to continue to require the actions in AD 2022–09–16 and require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, as specified in EASA AD 2022–0085. The NPRM also proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2021–0140. The FAA is issuing this AD to address fatigue cracking, accidental damage, or corrosion in principal structural elements, which could result in reduced structural integrity of the airplane.

Discussion of Final Airworthiness Directive

Comments

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

The FAA received an additional comment from United Airlines. The following presents the comment received on the SNPRM and the FAA's response.

Request To Allow Airbus Statement of Airworthiness Compliance (ASAC)

United Airlines requested that the FAA allow Airbus-issued ASACs as acceptable means of compliance when they support extensions to the compliance time of specified airworthiness limitation section (ALS) part 2 tasks.

The FAA has determined that the requested change is unnecessary because the provisions of paragraph (r)(2) permit means of compliance approved by Airbus SAS's EASA Design Organization Approval (DOA), provided that the approval includes the DOA-authorized signature. This AD has not been changed with regard to this request.

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, considered the comments received, 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 SNPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed EASA AD 2022–0085 and EASA AD 2023–0008. This service information specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits. These documents are distinct since one includes all damage tolerant airworthiness limitations items and the other revises certain damage tolerant airworthiness limitation items.

This AD would also require EASA AD 2021–0140, which the Director of the Federal Register approved for incorporation by reference as of June 30, 2022 (87 FR 31943, May 26, 2022).

This AD would also require EASA AD 2020–0036R1, which the Director of the Federal Register approved for incorporation by reference as of November 19, 2020 (85 FR 65197, October 15, 2020).

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 1,864 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 2020–20–05 and AD 2022–09–16 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) 2020–20–05, Amendment 39–21261 (85 FR 65197, October 15, 2020); and AD 2022–09–16, Amendment 39–22036 (87 FR 31943, May 26, 2022); and

b. Adding the following new AD:

2023–13–10 Airbus SAS: Amendment 39–22495; Docket No. FAA–2022–1296; Project Identifier MCAI–2022–00628–T.

(a) Effective Date

This airworthiness directive (AD) is effective September 5, 2023.

(b) Affected ADs

This AD replaces AD 2020–20–05, Amendment 39–21261 (85 FR 65197, October 15, 2020) (AD 2020–20–05); and AD 2022–09–16, Amendment 39–22036 (87 FR 31943, May 26, 2022) (AD 2022–09–16).

(c) Applicability

This AD applies to Airbus SAS airplanes specified in paragraphs (c)(1) through (4) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 10, 2022.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes.

(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 fatigue cracking, accidental damage, or corrosion in principal structural elements, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program, With No Changes From AD 2020–20–05

This paragraph restates the requirements of paragraph (i) of AD 2020–20–05, with no changes. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before October 11, 2019: 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 2020–0036R1, dated June 24, 2020 (EASA AD 2020–0036R1). Accomplishing the maintenance or inspection program revision required by paragraph (o) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2020–0036R1, With No Changes

This paragraph restates the requirements of paragraph (j) of AD 2020–20–05, with no changes.

(1) The requirements specified in paragraphs (1) and (2) of EASA AD 2020–0036R1 do not apply to this AD.

(2) Paragraph (3) of EASA AD 2020–0036R1 specifies revising "the AMP" within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, to incorporate the "tasks and associated thresholds and intervals" specified in paragraph (3) of EASA AD 2020–0036R1 within 90 days after November 19, 2020 (the effective date of AD 2020–20–05).

(3) The initial compliance times for doing the tasks specified in paragraph (3) of EASA AD 2020–0036R1 are at the applicable "associated thresholds" specified in paragraph (3) of EASA AD 2020–0036R1, or within 90 days after November 19, 2020 (the effective date of AD 2020–20–05), whichever occurs later.

(4) The provisions specified in paragraphs (4), (5), and (6) of EASA AD 2020–0036R1 do not apply to this AD.

(5) The "Remarks" section of EASA AD 2020–0036R1 does not apply to this AD.

(i) Retained Provisions for Alternative Actions or Intervals From AD 2020–20–05, With New Exception

This paragraph restates the requirements of paragraph (k) of AD 2020–20–05, with new exception. Except as required by paragraphs (k) and (o) 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 2020–0036R1.

(j) Retained Credit for Original EASA AD, With No Changes

This paragraph restates the credit provided in paragraph (l) of AD 2020–20–05, with no changes. This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before November 19, 2020 (the effective date of AD 2020–20–05) using EASA AD 2020–0036, dated February 26, 2020.

(k) Retained Revision of the Existing Maintenance or Inspection Program, With No Changes From AD 2022–09–16

This paragraph restates the requirements of paragraph (g) of AD 2022–09–16, with no changes. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 10, 2020: Except as specified in paragraph (l) of this AD, comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021–0140, dated June 14, 2021 (EASA AD 2021–0140). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (o) of this AD terminates the requirements of this paragraph.

(l) Retained Exceptions to EASA AD 2021–0140

This paragraph restates the requirements of paragraph (h) of AD 2022–09–16, with no changes.

(1) Where EASA AD 2021–0140 refers to its effective date, this AD requires using June 30, 2022 (the effective date of AD 2022–09–16).

(2) The requirements specified in paragraphs (1) and (2) of EASA AD 2021–0140 do not apply to this AD.

(3) Paragraph (3) of EASA AD 2021–0140 specifies revising "the approved [aircraft maintenance program] 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 30, 2022 (the effective date of AD 2022–09–16).

(4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2021–0140 is at the applicable "thresholds" as incorporated by the requirements of paragraph (3) of EASA AD 2021–0140, or within 90 days after June 30, 2022 (the effective date of AD 2022–09–16), whichever occurs later.

(5) The provisions specified in paragraph (4) of EASA AD 2021–0140 do not apply to this AD.

(6) The "Remarks" section of EASA AD 2021–0140 does not apply to this AD.

(m) Retained Provisions for Alternative Actions or Intervals From AD 2022–09–16, With New Exception

This paragraph restates the requirements of paragraph (i) of AD 2022–09–16, with new exception. Except as required by paragraph (o) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (k) 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 2021–0140.

(n) Retained Terminating Action for Certain Requirements in AD 2020–20–05, With Revised References

This paragraph restates the terminating action specified in paragraph (i) of AD 2022–09–16, with revised references. Accomplishing the actions required by paragraph (k) of this AD, including incorporating Task 531135–03–1 as required by EASA AD 2021–0140, terminates Task 531135–01–2, as required by EASA AD 2020–0036R1 by the requirements in paragraph (g) of this AD.

(o) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (p) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2022–0085, dated May 12, 2022 (EASA AD 2022–0085) and EASA AD 2023–0008, dated January 16, 2023 (EASA AD 2023–0008). Where EASA AD 2023–0008 affects the same airworthiness limitations as those in EASA AD 2022–0085, the airworthiness limitations referenced in EASA AD 2023–0008 prevail. Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraphs (g) and (i) of this AD.

(p) Exceptions to EASA AD 2022–0085 and to EASA AD 2023–0008

(1) The requirements specified in paragraphs (1) and (2) of EASA AD 2022–0085 and of EASA AD 2023–0008 do not apply to this AD.

(2) Paragraph (3) of EASA AD 2022–0085 and of EASA AD 2023–0008 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.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2022–0085 and of EASA AD 2023–0008 is at the applicable "thresholds" as incorporated by the requirements of paragraph (3) of EASA AD 2022–0085 and of EASA AD 2023–0008, respectively, or within 90 days after the effective date of this AD, whichever occurs later. Where EASA AD 2023–0008 affects the same airworthiness limitations as those in EASA AD 2022–0085, the airworthiness limitations referenced in EASA AD 2023–0008 prevail.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2022–0085 and of EASA AD 2023–0008 do not apply to this AD.

(5) This AD does not adopt the "Remarks" section of EASA AD 2022–0085 and of EASA AD 2023–0008.

(q) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (o) 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 2022–0085 or EASA AD 2023–0008, as applicable.

(r) 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 (s) 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 2022–09–16 are approved as AMOCs for the corresponding provisions of EASA AD 2021–0140 that are required by paragraph (i) of this AD.

(iii) AMOCs approved previously for AD 2020–20–05 are approved as AMOCs for the corresponding provisions of EASA AD 2020–0036R1 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, 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.

(s) Additional Information

For more information about this AD, contact Dan Rodina, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3225; email *dan.rodina@faa.gov*.

(t) 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 September 5, 2023.

(i) European Union Aviation Safety Agency (EASA) AD 2022–0085, dated May 12, 2022.

(ii) European Union Aviation Safety Agency (EASA) AD 2023–0008, dated January 16, 2023.

(4) The following service information was approved for IBR on June 30, 2022 (87 FR 31943, May 26, 2022).

(i) European Union Aviation Safety Agency (EASA) AD 2021–0140, dated June 14, 2021.

(ii) [Reserved]

(5) The following service information was approved for IBR on November 19, 2020 (85 FR 65197, October 15, 2020).

(i) European Union Aviation Safety Agency (EASA) AD 2020–0036R1, dated June 24, 2020.

(ii) [Reserved]

(6) For the EASA ADs identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu*. You may find these EASA ADs on the EASA website at *ad.easa.europa.eu*.

(7) 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.

(8) 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, email *fr.inspection@nara.gov*, or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued on July 25, 2023.

Victor Wicklund,

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

[FR Doc. 2023–16166 Filed 7–31–23; 8:45 am]

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