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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

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

**[Docket No. FAA-2023-1499; Project Identifier MCAI-2023-00458-T; Amendment 39-22565; AD 2023-20-06]**

**RIN 2120-AA64**

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

#### **AGENCY:**

Federal Aviation Administration (FAA), DOT.

#### **ACTION:**

Final rule.

#### **SUMMARY:**

The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A330-202, A330-203, A330-223, A330-243, and A330-841 airplanes. This AD was prompted by a determination that the cold working process was partially completed on a certain circumferential joint. This AD requires modification of the circumferential joint, 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 November 9, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 9, 2023.

#### **ADDRESSES:**

*AD Docket:* You may examine the AD docket at *regulations.gov* under Docket No. FAA-2023-1499; 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](http://regulations.gov) under Docket No. FAA-2023-1499.

#### **FOR FURTHER INFORMATION CONTACT:**

Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone 206-231-3667; email [Timothy.P.Dowling@faa.gov](mailto:Timothy.P.Dowling@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend [14 CFR part 39](#) by adding an AD that would apply to certain Airbus SAS Model A330-202, A330-203, A330-223, A330-243, and A330-841 airplanes. The NPRM published in the **Federal Register** on July 20, 2023 ([88 FR 46697](#)). The NPRM was prompted by AD 2023-0054, dated March 14, 2023, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2023-0054) (also referred to as the MCAI). The MCAI states that the cold working process was partially completed on the circumferential joint at frame 58.

In the NPRM, the FAA proposed to require modification of the circumferential joint, as specified in EASA AD 2023-0054. The NPRM also proposed to require contacting the Manager, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval for instructions if any discrepancy is found during accomplishment of any inspection that is part of the modification. The FAA is issuing this AD to address a partially completed cold working process on the circumferential joint at frame 58, which could affect the structural integrity of the airplane and result in catastrophic failure.

You may examine the MCAI in the AD docket at [regulations.gov](http://regulations.gov) under Docket No. FAA-2023-1499.

#### **Discussion of Final Airworthiness Directive**

#### **Comments**

The FAA received comments from Air Line Pilots Association, International (ALPA), who supported the NPRM without change, and an individual whose comments are unrelated to the unsafe condition identified in the NPRM.

## Conclusion

These products have been approved by the aviation authority of another country and are 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 these products. 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 2023–0054 specifies procedures for modifying the circumferential joint at frame 58. Modification includes accomplishing rotating probe inspections of the fastener holes for cracks, cold working the fastener holes, and measuring the maximum hole diameter. EASA AD 2023–0054 also specifies contacting the manufacturer for instructions if any discrepancy ( *i.e.*, any crack or any existing hole diameter that is more than or equal to the minimum starting hole diameter) is found during any inspection.

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 one airplane of U.S. registry. The FAA estimates the following costs to comply with this AD:

### Estimated Costs for Required Actions

<b>Labor cost</b>	<b>Parts cost</b>	<b>Cost per product</b>	<b>Cost on U.S. operators</b>
Up to 86 work-hours × \$85 per hour = \$7,310	\$500	Up to \$7,810	Up to \$7,810.

The FAA has received no definitive data on which to base the cost estimate for the on-condition actions specified in this AD.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

## 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 adding the following new airworthiness directive:

**(a) Effective Date**

This airworthiness directive (AD) is effective November 9, 2023.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Airbus SAS Model A330-202, A330-203, A330-223, A330-243, and A330-841 airplanes, certificated in any category, manufacturer serial numbers 1780, 1782, 1784, 1785, 1805, 1823, 1835, 1845, 1847, 1854, 1859, 1864, 1872, 1877, 1878, 1882, 1888, 1932, 1936, 1964, and 1969.

**(d) Subject**

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

**(e) Unsafe Condition**

This AD was prompted by a determination that the cold working process was partially performed on the circumferential joint at frame 58. The FAA is issuing this AD to address a partially completed cold working process on the circumferential joint at frame 58. The unsafe condition, if not addressed, could affect the structural integrity of the airplane and result in catastrophic failure.

**(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, European Union Aviation Safety Agency (EASA) AD 2023-0054, dated March 14, 2023 (EASA AD 2023-0054).

**(h) Exceptions to EASA AD 2023-0054**

(1) This AD does not adopt the "Remarks" section of EASA AD 2023-0054.

(2) Where paragraph (2) of EASA AD 2023-0054 specifies contacting Airbus before further flight for approved instructions if any discrepancy is detected during accomplishment of any inspection that is part of the modification, this AD requires repairing the discrepancy before further flight 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.

(3) Where paragraph (3) of EASA AD 2023–0054 refers to its effective date, this AD requires using the effective date of this AD.

(4) Where Note 2 of EASA AD 2023–0054 specifies Airbus Operators Information Telex (OIT) 999.0086/11 can be used to determine whether an airplane is operated short range (SR) or long range (LR), this AD requires using the following definitions: the term “short range” applies to an airplane with an average flight time lower than 1.5 flight hours per flight cycle, and the term “long range” applies to an airplane with an average flight time equal to or higher than 1.5 flight hours per flight cycle. For determining the SR and LR airplanes, the average flight time is the total accumulated flight hours, counted from takeoff to touchdown, divided by the total accumulated flight cycles at the effective date of this AD.

### **(i) Additional 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 (j) 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 DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: Except as required by paragraphs (h)(2) and (i)(2) of this AD, 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.

### **(j) Additional Information**

For more information about this AD, contact Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone 206–231–3667; email [Timothy.P.Dowling@faa.gov](mailto:Timothy.P.Dowling@faa.gov).

**(k) 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) European Union Aviation Safety Agency (EASA) AD 2023–0054, dated March 14, 2023.

(ii) [Reserved]

(3) For EASA AD 2023–0054, 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 EASA AD on the EASA website at [ad.easa.europa.eu](http://ad.easa.europa.eu).

(4) 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.

(5) 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 September 28, 2023.

Victor Wicklund,

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

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