

[Federal Register, Volume 88 Number 213 (Monday, November 6, 2023)]

[Rules and Regulations]

[Pages 76107-76110]

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

[FR Doc No: 2023-24406]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2023-1642; Project Identifier MCAI-2023-00183-T; Amendment 39-22574; AD 2023-21-02]

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) 2022-18-14, which applied to certain Airbus SAS Model A330-200 series, A330-200 Freighter series, A330-300 series, A330-800 series, and A330-900 series airplanes. AD 2022-18-14 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 2022-18-14, and also requires revising the existing maintenance or inspection program, as applicable to incorporate additional new or more restrictive airworthiness limitations; as specified in two European Union Aviation Safety Agency (EASA) ADs, which are incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES:

This AD is effective December 11, 2023.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of December 11, 2023.

The Director of the Federal Register approved the incorporation by reference of certain other publication listed in this AD as of October 20, 2022 ([87 FR 56566](#), September 15, 2022).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–1642; 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–2023–1642.

FOR FURTHER INFORMATION CONTACT:

Tim Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3667; email timothy.p.dowling@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend [14 CFR part 39](#) to supersede AD 2022–18–14, Amendment 39–22165 ([87 FR 56566](#), September 15, 2022) (AD 2022–18–14). AD 2022–18–14 applied to certain Airbus SAS Model A330–201, –202, –203, –223, and –243 airplanes; Model A330–223F and –243F airplanes; Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes; Model A330–841 airplanes; and Model A330–941 airplanes. AD 2022–18–14 required revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations. The FAA issued AD 2022–18–14 to address fatigue cracking, accidental damage, and corrosion in principal structural elements; such fatigue cracking, accidental damage, and corrosion could result in reduced structural integrity of the airplane.

The NPRM published in the **Federal Register** on July 28, 2023 ([88 FR 48760](#)). The NPRM was prompted by AD 2022–0187, dated September 13, 2022, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2022–0187). EASA AD 2022–0187 states that new or more restrictive airworthiness limitations have been developed.

The NPRM was also prompted by EASA AD 2023–0015, dated January 19, 2023 (EASA AD 2023–0015). EASA AD 2023–0015 states that new or more restrictive airworthiness limitations have been developed. EASA AD 2023–0015 also states that it requires certain tasks also required by EASA AD 2022–0187, and invalidates (terminates) the tasks that are also required by EASA AD 2022–0187. Therefore, for this AD, where EASA AD 2023–0015 affects the same airworthiness limitations as those in EASA AD 2022–0187, the airworthiness limitations referenced in EASA AD 2023–0015 prevail.

In the NPRM, the FAA proposed to continue to require the actions in AD 2022–18–14, and to require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, as specified in EASA ADs 2022–0187 and 2023–0015. The FAA is issuing this AD to address fatigue cracking, accidental damage, and corrosion in principal structural elements; such fatigue cracking, accidental damage, and corrosion could result in reduced structural integrity of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–1642.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the cost to the public.

Additional Changes Made to This AD

The FAA revised paragraph (l) of this AD to specify that 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 2022–0187 or of EASA AD 2023–0015. In the NPRM, the FAA inadvertently specified that the alternatives actions and intervals had to be approved as specified in the “Ref. Publications” section of EASA AD 2022–0187 and of EASA AD 2023–0015.

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, and any other changes described previously, 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 2022–0187 and EASA AD 2023–0015 specify new or more restrictive airworthiness limitations for airplane structures. These documents are distinct since they apply to different airplane configurations.

This AD also requires EASA AD 2021–0261, dated November 22, 2021, which the Director of the Federal Register approved for incorporation by reference as of October 20, 2022 ([87 FR 56566](#),

September 15, 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 120 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 2022-18-14 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) 2022–18–14, Amendment 39–22165 ([87 FR 56566](#), September 15, 2022); and

b. Adding the following new AD:

2023–21–02 Airbus SAS: Amendment 39–22574; Docket No. FAA–2023–1642; Project Identifier MCAI–2023–00183–T.

(a) Effective Date

This airworthiness directive (AD) is effective December 11, 2023.

(b) Affected ADs

This AD replaces AD 2022–18–14, Amendment 39–22165 ([87 FR 56566](#), September 15, 2022) (AD 2022–18–14).

(c) Applicability

This AD applies to Airbus SAS airplanes, identified in paragraphs (c)(1) through (5) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 18, 2022.

(1) Model A330–201, –202, –203, –223, and –243 airplanes.

(2) Model A330–223F and –243F airplanes.

(3) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(4) Model A330–841 airplanes.

(5) Model A330–941 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, and corrosion in principal structural elements. The unsafe condition, if not addressed, 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

This paragraph restates the requirements of paragraph (i) of AD 2022–18–14, with no changes. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 2, 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 2021–0261, dated November 22, 2021 (EASA AD 2021–0261). 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 2021–0261, With No Changes

This paragraph restates the exceptions specified in paragraph (j) of AD 2022–18–14, with no changes.

(1) Where EASA AD 2021–0261 refers to its effective date, this AD requires using October 20, 2022 (the effective date of AD 2022–18–14).

(2) The requirements specified in paragraphs (1) and (2) of EASA AD 2021–0261 do not apply to this AD.

(3) Paragraph (3) of EASA AD 2021–0261 specifies revising “the 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 October 20, 2022 (the effective date of AD 2022–18–14).

(4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA 2021–0261 is at the applicable “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2021–0261, or within 90 days after October 20, 2022 (the effective date of AD 2022–18–14), whichever occurs later.

(5) This AD does not require incorporating Section 4, “Damage Tolerant-Airworthiness Limitations Items-Tasks Beyond MPPT,” of “the ALS” specified in EASA AD 2021–0261.

(6) The provisions specified in paragraphs (4) and (5) of EASA AD 2021–0261 do not apply to this AD.

(7) The “Remarks” section of EASA AD 2021–0261 does not apply to this AD.

(i) Retained Restrictions on Alternative Actions and Intervals, With a New Exception

This paragraph restates the requirements of AD 2022–18–14, 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) and intervals are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2021–0261.

(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 2022–0187, dated September 13, 2022 (EASA AD 2022–0187); and EASA AD 2023–0015, dated January 19, 2023 (EASA AD 2023–0015); as applicable. Where EASA AD 2023–0015 affects the same airworthiness limitations as those in EASA AD 2022–0187, the airworthiness limitations referenced in EASA AD 2023–0015 prevail.

(k) New Exceptions to EASA AD 2022–0187 and to EASA AD 2023–0015

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2022–0187 and of EASA AD 2023–0015.

(2) Paragraph (3) of EASA AD 2022–0187 and of EASA AD 2023–0015 specifies revising “the AMP” within 12 months after the respective EASA AD's 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 2022–0187 and of EASA AD 2023–0015 is at the applicable “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2022–0187 and of EASA AD 2023–0015, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2022–0187.

(5) Where EASA AD 2022–0187 defines “The ALS,” replace the text “Airbus A330 Airworthiness Limitations Section (ALS) Part 2 Revision 05,” with “Airbus A330 Airworthiness Limitations Section (ALS) Part 2 Revision 05 Issue 02.”

(6) This AD does not adopt the provisions specified in paragraph (4) of EASA AD 2023–0015.

(7) This AD does not require incorporating Section 4, “Damage Tolerant-Airworthiness Limitations Items-Tasks Beyond MPPT,” of “the ALS” specified in EASA AD 2022–0187 and in EASA AD 2023–0015.

(8) This AD does not adopt the “Remarks” section of EASA AD 2022–0187 and of EASA AD 2023–0015.

(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 2022–0187 or of EASA AD 2023–0015.

(m) 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 (n) 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) The AMOC specified in letter AIR–676–19–120, dated March 5, 2019, approved previously for AD 2018–24–04, Amendment 39–19508 ([83 FR 60756](#), November 27, 2018), is approved as an AMOC for the corresponding provisions of EASA AD 2022–0187 and EASA AD 2023–0015 that are required by paragraph (j) of this AD for Model A330–200 and A330–300 series airplanes modified from a passenger to freighter configuration under the provisions of FAA Supplemental Type Certificate ST04038NY.

(iii) The AMOC specified in letter AIR–731A–20–179, dated May 11, 2020, approved previously for AD 2019–23–02, Amendment 39–19795 ([84 FR 64725](#), November 25, 2019), is approved as an AMOC for the corresponding provisions of EASA AD 2022–0187 and of EASA AD 2023–0015 that are required by paragraph (j) of this AD for Model A330–200 and A330–300 series airplanes modified from a passenger to freighter configuration under the provisions of FAA Supplemental Type Certificate ST04038NY.

(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 Tim Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 206–231–3667; email: timothy.p.dowling@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 December 11, 2023.

(i) European Union Aviation Safety Agency (EASA) AD 2022–0187, dated September 13, 2022.

(ii) European Union Aviation Safety Agency (EASA) AD 2023–0015, dated January 19, 2023.

(4) The following service information was approved for IBR on October 20, 2022 ([87 FR 56566](#), September 15, 2022).

(i) European Union Aviation Safety Agency (EASA) AD 2021–0261, dated November 22, 2021.

(ii) [Reserved]

(5) For EASA AD 2021–0261, EASA AD 2022–0187, and EASA AD 2023–0015, 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.

(6) 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.

(7) 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 October 11, 2023.

Victor Wicklund,

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

[[FR Doc. 2023–24406](#) Filed 11–3–23; 8:45 am]

BILLING CODE 4910–13–P