

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2024-0765; Project Identifier MCAI-2022-00981-R]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Helicopters

**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 Airbus Helicopters Model EC130B4 and EC130T2 helicopters. This proposed AD was prompted by the determination that fatigue cracks may develop at the root section of certain tail rotor blades (TRBs). This proposed AD would require repetitively fluorescent penetrant inspecting those TRBs and, depending on the results, accomplishing corrective action. This proposed AD would also prohibit installing certain TRBs unless certain actions are accomplished. These actions are specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. 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 May 16, 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](https://www.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](https://www.regulations.gov) under Docket No. FAA-2024-0765; 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 EASA material identified in this NPRM, 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](https://easa.europa.eu). You may find the EASA material on the EASA website [ad.easa.europa.eu](https://ad.easa.europa.eu).

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. The EASA material is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-0765.

*Other Related Service Information:*

For Airbus Helicopters service information identified in this NPRM, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or website [airbus.com/en/products-services/helicopters/hcare-services/airbusworld](https://airbus.com/en/products-services/helicopters/hcare-services/airbusworld). You may also view this service information at the FAA contact information under *Material Incorporated by Reference* above.

**FOR FURTHER INFORMATION CONTACT:** Joe Salameh, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (206) 231-3536; email [joe.salameh@faa.gov](mailto:joe.salameh@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-2024-0765; Project Identifier MCAI-2022-00981-R" 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](https://www.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 Joe Salameh, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (206) 231-3536; email [joe.salameh@faa.gov](mailto:joe.salameh@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

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022-0150, dated July 21, 2022 (EASA AD 2022-0150), to correct an unsafe condition on all Airbus Helicopters Model EC 130 B4 and EC 130 T2 helicopters.

This proposed AD was prompted by the determination that fatigue cracks may develop at the root section of certain part-numbered TRBs. The FAA is proposing this AD to address fatigue cracks on a TRB, which if not detected

and corrected, may lead to crack propagation and consequent TRB failure, possibly resulting in loss of control of the helicopter.

You may examine EASA AD 2022–0150 in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–0765.

#### Related AD

AD 2021–10–25, Amendment 39–21558 (86 FR 29176, June 1, 2021) (AD 2021–10–25) applies to certain Airbus Helicopters Model EC130B4 and EC130T2 helicopters. AD 2021–10–25 requires cleaning the TRBs, visual and dye penetrant inspections for cracks in the TRBs, a dimensional inspection to verify conformity of the TRB, and corrective actions if necessary. The FAA issued AD 2021–10–25 to address geometrical non-conformities of the TRBs, which could lead to crack initiation and consequent blade failure, and possible loss of control of the helicopter. AD 2021–10–25 was prompted by EASA AD 2020–0187, dated August 21, 2020.

#### Related Service Information Under 1 CFR Part 51

EASA AD 2022–0150 requires repetitively dye penetrant inspecting certain part-numbered TRBs for cracking and, depending on the results, replacing the TRB with a serviceable TRB. Also, EASA AD 2022–0150 prohibits installing certain TRBs on any helicopter unless its requirements are met.

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.

#### Other Related Service Information

The FAA reviewed Airbus Helicopters Alert Service Bulletin (ASB) No. EC130–05A041, Revision 0, dated July 7, 2022. This service information specifies procedures for inspecting certain part-numbered TRBs for cracks with dye penetrant.

The FAA also reviewed Airbus Helicopters ASB No. EC130–05A033, Revision 1, dated February 9, 2021. This service information specifies procedures for inspecting certain part-numbered TRBs for cracks and accomplishing dimensional measurements of the distance from the drain hole axis to the shoulder, rib thickness, and remaining thickness of each TRB.

#### FAA’s Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with the

European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that the unsafe condition described previously is likely to exist or develop on other helicopters of these same type designs.

#### Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2022–0150, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under “Differences Between This Proposed AD and the EASA AD.”

#### Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2022–0150 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0150 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0150 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2022–0150. Service information referenced in EASA AD 2022–0150 for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–0765 after the FAA final rule is published.

#### Differences Between This Proposed AD and the EASA AD

EASA AD 2022–0150 requires accomplishing dye penetrant inspections, whereas this proposed AD would require fluorescent penetrant inspections accomplished by a Level II or Level III inspector certified in the

FAA-acceptable standards for nondestructive inspection personnel.

#### Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 275 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Fluorescent penetrant inspecting a TRB would take about 1 work-hour for an estimated cost of up to \$850 per helicopter (up to 10 affected TRBs per helicopter) and \$233,750 for the U.S. fleet, per inspection cycle. Replacing a TRB would take about 4 work-hours and parts would cost about \$4,175 for an estimated cost of \$4,515 per TRB.

#### 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:

**Airbus Helicopters:** Docket No. FAA–2024–0765; Project Identifier MCAI–2022–00981–R.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by May 16, 2024.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Airbus Helicopters Model EC130B4 and EC130T2 helicopters, certificated in any category.

**(d) Subject**

Joint Aircraft Service Component (JASC) Code: 6410, Tail Rotor Blades.

**(e) Unsafe Condition**

This AD was prompted by the determination that fatigue cracks may develop at the root section of a tail rotor blade (TRB). The FAA is issuing this AD to address fatigue cracks on a TRB. The unsafe condition, if not addressed, could result in crack propagation, TRB failure, and subsequent loss of control of the helicopter.

**(f) Compliance**

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

**(g) Requirements**

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0150, dated July 21, 2022 (EASA AD 2022–0150).

**(h) Exceptions to EASA AD 2022–0150**

(1) Where EASA AD 2022–0150 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2022–0150 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (1) of EASA AD 2022–0150 states to, “accomplish a dye penetrant inspection of that affected part in accordance with the instructions of the ASB;” for this AD, replace that text with, “accomplish a fluorescent penetrant inspection (FPI) of that affected part. This FPI must be accomplished by a Level II or Level III inspector certified in the FAA-acceptable standards for nondestructive inspection personnel.”

**Note 1 to paragraph (h)(3):** Advisory Circular 65–31B contains examples of FAA-acceptable Level II and Level III qualification standards criteria for inspection personnel doing nondestructive test inspections.

(4) Instead of complying with paragraph (2) of EASA AD 2022–0150, for this AD, comply with the following: “As a result of the inspection required by paragraph (1) of EASA AD 2022–0150, if there is a crack, before further flight, remove the affected part, as defined in EASA AD 2022–0150, from service and replace it with a serviceable part, as defined in EASA AD 2022–0150.”

(5) This AD does not adopt the “Remarks” section of EASA AD 2022–0150.

**(i) No Reporting Requirement**

Although the service information referenced in EASA AD 2022–0150 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

**(j) Special Flight Permit**

Special flight permits are prohibited if there is a crack in a TRB.

**(k) Alternative Methods of Compliance (AMOCs)**

(1) 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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

**(l) Related Information**

For more information about this AD, contact Joe Salameh, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone (206) 231–3536; email *joe.salameh@faa.gov*.

**(m) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference 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 2022–0150, dated July 21, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0150, 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 the EASA material on the EASA website *ad.easa.europa.eu*.

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(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 March 20, 2024.

**Victor Wicklund,**

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

[FR Doc. 2024–06731 Filed 3–29–24; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2024–0770; Project Identifier MCAI–2024–00039–T]

RIN 2120–AA64

**Airworthiness Directives; Airbus SAS Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive (AD) 2022–19–02, which applies to all Airbus SAS Model A330–200, –200 Freighter, and –300 series airplanes; and Model A330–841 and A330–941 airplanes. AD 2022–19–02 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2022–19–02, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would continue to require certain actions in AD 2022–19–02 and would require 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 proposed for incorporation by reference (IBR). The FAA is