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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-0449; Directorate Identifier 2008-NM-034-AD; Amendment 39-15907; AD 2009-10-11]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A330-300, A340-200, and A340-300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Based on some recent in-service findings for fluid ingress and/or inner skin disbond damage on rudders which could result in reduced structural integrity of the rudder, AIRBUS decided to introduce some further structural inspections to specific rudder areas[.]

* * * * *

This AD requires actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective June 4, 2009.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of June 4, 2009.

We must receive comments on this AD by June 19, 2009.

ADDRESSES: You may send comments by any of the following methods:

- Federal eRulemaking Portal: Go to <http://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: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2125; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2008-0012, dated January 14, 2008 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Based on some recent in-service findings for fluid ingress and/or inner skin disbond damage on rudders which could result in reduced structural integrity of the rudder, AIRBUS decided to introduce some further structural inspections to specific rudder areas:

–A special detailed one time structural inspection to specific rudder areas to ensure earlier detection of damage at the inspected areas,

–A repetitive specific ultrasonic inspection along the complete rudder panel front and bottom edges (complete z-profile area along the spar and the bottom rib) to detect any damage in this area.

The aim of this Airworthiness Directive (AD) is to render mandatory this additional inspection program in order to maintain the structural integrity of the rudder.

The special detailed one-time structural inspection consists of doing a thermography or x-ray inspection and an ultrasonic inspection to detect damage of the rudders at the rudder hoisting points and trailing edge screw areas. The corrective actions depend on the findings and the extent of the damage found, and include doing the repair or contacting Airbus and following their repair instructions.

The repetitive ultrasonic inspection along the complete rudder panel front and bottom edges (complete z-profile area along the spar and the bottom rib) to detect damage also includes doing related investigative and corrective actions. The related investigative action is a thermography inspection for inner skin disbond damage and fluid ingress on the rudder. The corrective actions depend on the findings and the extent of the damage found, and may include venting the core (a temporary repair), and contacting Airbus and following their repair instructions for a permanent repair.

The compliance time for the corrective actions for the special detailed one-time structural inspection ranges between "before further flight" and 4,500 flight cycles, depending on the damage finding. The compliance time for the corrective actions for the repetitive ultrasonic inspections ranges between "before further flight" and 2,500 flight cycles, depending on the damage finding and whether the temporary repair is done. The repetitive interval for the ultrasonic inspections is 5,000 flight cycles, except after doing the temporary repair, in which case the interval is 500 flight cycles until a permanent repair is done, after which time the interval is 5,000 flight cycles.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Airbus has issued the following service bulletins:

- Airbus Mandatory Service Bulletin A330-55-3037, including Appendix 01, dated October 11, 2007;
- Airbus Mandatory Service Bulletin A330-55-3038, dated November 7, 2007;
- Airbus Mandatory Service Bulletin A340-55-4033, including Appendix 01, dated October 11, 2007; and
- Airbus Mandatory Service Bulletin A340-55-4034, dated November 7, 2007.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

There are no products of this type currently registered in the United States. However, this rule is necessary to ensure that the described unsafe condition is addressed if any of these products are placed on the U.S. Register in the future.

Differences Between the AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the AD.

FAA's Determination of the Effective Date

Since there are currently no domestic operators of this product, notice and opportunity for public comment before issuing this AD are unnecessary.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data,

views, or arguments about this AD. Send your comments to an address listed under the ADDRESSES section. Include "Docket No. FAA-2009-0449; Directorate Identifier 2008-NM-034-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

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.

We are 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

We determined that 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 this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); 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.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of 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 AD:



2009-10-11 Airbus: Amendment 39-15907. Docket No. FAA-2009-0449; Directorate Identifier 2008-NM-034-AD.

Effective Date

- (a) This airworthiness directive (AD) becomes effective June 4, 2009.

Affected ADs

- (b) None.

Applicability

(c) This AD applies to Airbus Model A330-300, A340-200, and A340-300 series airplanes, certificated in any category, all serial numbers, on which a carbon fiber-reinforced plastic (CFRP) rudder part number (PN) A55471500 series is fitted.

Subject

- (d) Air Transport Association (ATA) of America Code 55: Stabilizers.

Reason

- (e) The mandatory continued airworthiness information (MCAI) states:

Based on some recent in-service findings for fluid ingress and/or inner skin disbond damage on rudders which could result in reduced structural integrity of the rudder, AIRBUS decided to introduce some further structural inspections to specific rudder areas[.]

Actions and Compliance

- (f) Unless already done, do the following actions.

(1) Within 500 flight cycles or 6 months after the effective date of this AD, whichever occurs first: Perform a special detailed one-time inspection to detect damage in the areas of the rudder hoisting points and trailing edge screw, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330-55-3037, dated October 11, 2007; or Airbus Mandatory Service Bulletin A340-55-4033, dated October 11, 2007; as applicable. Do all applicable corrective actions at the times specified in and in accordance with Airbus Mandatory Service Bulletin A330-55-3037, dated October 11, 2007; or Airbus Mandatory Service Bulletin A340-55-4033, dated October 11, 2007; as applicable.

(2) Submit a report of the findings of the inspection required by paragraph (f)(1) of this AD to Airbus in accordance with the instructions of Appendix 01 of Airbus Mandatory Service Bulletin A330-55-3037, dated October 11, 2007; or Airbus Mandatory Service Bulletin A340-55-4033, dated October 11, 2007; as applicable; at the applicable time specified in paragraph (f)(2)(i) or (f)(2)(ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(3) Within 500 flight cycles or 6 months after the effective date of this AD, whichever occurs first: Perform a special detailed inspection along the rudder z-profile to detect inner skin disbond damage, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A330-55-3038, dated November 7, 2007; or Airbus Mandatory Service Bulletin A340-55-4034, dated November 7, 2007; as applicable. Do all applicable related investigative and corrective actions at the times specified in and in accordance with Airbus Mandatory Service Bulletin A330-55-3038, dated November 7, 2007; or Airbus Mandatory Service Bulletin A340-55-4034, dated November 7, 2007; as applicable.

(4) Submit a report of the findings of the inspection required by paragraph (f)(3) of this AD to Airbus in accordance with the instructions of Airbus Mandatory Service Bulletin A330-55-3038, dated November 7, 2007; or Airbus Mandatory Service Bulletin A340-55-4034, dated November 7, 2007; as applicable; at the applicable time specified in paragraph (f)(4)(i) or (f)(4)(ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(5) As of the effective date of this AD, no person may install a part number (P/N) A55471500 series rudder on an aircraft as a replacement part, unless it has been inspected and, as applicable, repaired in accordance with the instructions of Airbus Mandatory Service Bulletin A330-55-3037, dated October 11, 2007, or Airbus Mandatory Service Bulletin A340-55-4033, dated October 11, 2007; and Airbus Mandatory Service Bulletin A330-55-3038, dated November 7, 2007, or Airbus Mandatory Service Bulletin A340-55-4034, dated November 7, 2007.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2125; fax (425) 227-1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

Related Information

(h) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2008-0012, dated January 14, 2008; and the service bulletins listed in Table 1 of this AD; for related information.

Table 1 – Service Bulletins

Airbus Mandatory Service Bulletin –	Dated –
A330-55-3037	October 11, 2007
A330-55-3038	November 7, 2007
A340-55-4033	October 11, 2007
A340-55-4034	November 7, 2007

Material Incorporated by Reference

(i) You must use the service information contained in Table 2 of this AD to do the actions required by this AD, as applicable, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Airbus SAS–Airworthiness Office–EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; fax +33 5 61 93 45 80, e-mail airworthiness.A330-A340@airbus.com; Internet <http://www.airbus.com>.

(3) You may review copies of the service information that is incorporated by reference at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221 or 425-227-1152.

(4) You may also review copies of the service information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Table 2 – Material incorporated by reference

Document	Date
Airbus Mandatory Service Bulletin A330-55-3037, excluding Appendix 01	October 11, 2007
Airbus Mandatory Service Bulletin A330-55-3038, including Appendix 01	November 7, 2007
Airbus Mandatory Service Bulletin A340-55-4033, excluding Appendix 01	October 11, 2007
Airbus Mandatory Service Bulletin A340-55-4034, including Appendix 01	November 7, 2007

Issued in Renton, Washington, on May 6, 2009.

Ali Bahrami,
Manager, Transport Airplane Directorate,
Aircraft Certification Service.