

# Proposed Rules

Federal Register

Vol. 88, No. 171

Wednesday, September 6, 2023

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-2023-1811; Project Identifier MCAI-2023-00146-E]

RIN 2120-AA64

#### Airworthiness Directives; GE Aviation Czech s.r.o. (Type Certificate Previously Held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.) Engines

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

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

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive (AD) 2023-01-07, which applies to all GE Aviation Czech s.r.o. (GEAC) (type certificate previously held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.) Model H75-100, H75-200, H80, H80-100, H80-200, H85-100, and H85-200 engines. AD 2023-01-07 requires revising the airworthiness limitations section (ALS) of the existing engine maintenance manual (EMM) and the operator's existing approved maintenance or inspection program, as applicable, to incorporate updated coefficients and recalculate the cycles accumulated on critical parts. Since the FAA issued AD 2023-01-07, the manufacturer revised the ALS of the EMM to introduce new and more restrictive airworthiness limitations and associated thresholds and intervals for life-limited parts, which prompted this proposed AD. This proposed AD would require revising the ALS of the existing EMM and the operator's existing approved engine maintenance or inspection program, as applicable, to incorporate new and more restrictive instructions and associated thresholds and intervals for life-limited parts, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference

(IBR). The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this NPRM by October 23, 2023.

**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*. 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* under Docket No. FAA-2023-1811; 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, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

**Material Incorporated by Reference:**

- For service information that is proposed for IBR in this NPRM, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +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). It is also available at *regulations.gov* under Docket No. FAA-2023-1811.

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222-5110.

**FOR FURTHER INFORMATION CONTACT:**

Barbara Caufield, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238-7146; email: [barbara.caufield@faa.gov](mailto:barbara.caufield@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-2023-1811; Project Identifier MCAI-2023-00146-E" 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 the 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*, 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 Barbara Caufield, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

**Background**

The FAA issued AD 2023-01-07, Amendment 39-22301 (88 FR 7355, February 3, 2023; corrected February 16, 2023 (88 FR 10013)) (AD 2023-01-07), for all GEAC Model H75-100, H75-200, H80, H80-100, H80-200, H85-100, and H85-200 engines. AD 2023-01-07 was prompted by an MCAI originated by

EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2022–0008, dated January 19, 2022 (EASA AD 2022–0008), to address an unsafe condition identified as failure of the engine. EASA AD 2022–0008 stated that the airworthiness limitations for H series engine models have been identified as mandatory for continued airworthiness, and that failure to accomplish these instructions could result in an unsafe condition. EASA AD 2022–0008 also explained that the manufacturer published a revised ALS to introduce updated coefficients for the calculation of the cyclic life and safe life for the main shaft.

AD 2023–01–07 requires revising the ALS of the existing EMM and the operator's existing approved maintenance or inspection program, as applicable, to incorporate updated coefficients and recalculate the cycles accumulated on critical parts. The FAA issued AD 2023–01–07 to prevent failure of the engine.

#### **Actions Since AD 2023–01–07 Was Issued**

Since the FAA issued AD 2023–01–07, EASA superseded EASA AD 2022–0008 and issued EASA AD 2023–0021, dated January 23, 2023 (EASA AD 2023–0021) (also referred to after this as the MCAI). The MCAI states that the manufacturer revised the ALS to introduce new and more restrictive instructions and associated thresholds and intervals for life-limited parts. The MCAI also states that GEAC published an Alert Service Bulletin, ASB–H75–72–10–00–0062, ASB–H80–72–10–00–0107, ASB–H85–72–10–00–0051, ASB–M601F–72–10–00–0070, ASB–M601E–72–10–00–0120, ASB–M601D–72–10–00–0087 and ASB–M601Z–72–10–00–0069; Revision 1, dated January 20, 2023, published as a single document, which provides instructions to determine the accumulated life of certain propeller shafts.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2023–1811.

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

The FAA reviewed EASA AD 2023–0021, which specifies procedures for operators to revise the ALS of the existing EMM and the operator's existing approved engine maintenance or inspection program, as applicable, to incorporate new and more restrictive instructions and associated thresholds

and intervals for life-limited parts, as applicable to each engine model.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

#### **FAA's Determination**

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 is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

#### **Proposed AD Requirements in This NPRM**

This proposed AD would require accomplishing the actions specified in the MCAI described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD and as discussed under "Differences Between this Proposed AD and the MCAI." The owner/operator (pilot) holding at least a private pilot certificate may revise the ALS of the existing EMM and must enter compliance with the applicable paragraph of this proposed AD into the engine maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The pilot may perform this action because it only involves revising the pilot's manual. This action could be performed equally well by a pilot or a mechanic. This is an exception to the FAA's standard maintenance regulations.

#### **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 since coordinated with other manufacturers and CAAs to use this process. As a result, the FAA proposes to incorporate by reference EASA AD 2023–0021 in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2023–0021 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 the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to "all required actions within the compliance times," compliance with this AD requirement is not limited to the section titled "Required Action(s) and Compliance Time(s)" in EASA AD 2023–0021. Service information required by the EASA AD for compliance will be available at [regulations.gov](https://www.regulations.gov) by searching for and locating Docket No. FAA–2023–1811 after the FAA final rule is published.

#### **Differences Between This Proposed AD and the MCAI**

Where EASA AD 2023–0021 defines the AMP as the approved Aircraft Maintenance Programme containing the tasks on the basis of which the scheduled maintenance is conducted to ensure the continuing airworthiness of each operated engine, this proposed AD defines the AMP as the aircraft maintenance program containing the tasks on the basis of which the scheduled maintenance is conducted to ensure the continuing airworthiness of each operated airplane.

Where EASA AD 2023–0021 defines the ALS as the Airworthiness Limitations Section of the GEAC EMM No. 0983402 Revision 25, dated November 21, 2022, this proposed AD defines the ALS as the airworthiness limitations section of the GEAC EMM No. 0983402 Revision 26, dated February 1, 2023. The ALS in Revision 26 of the EMM is unchanged from Revision 25 of the EMM.

Where paragraph (3) of EASA AD 2023–0021 specifies revising the approved Aircraft Maintenance Programme within 12 months after the effective date of EASA AD 2023–0021, this proposed AD would require revising the ALS of the existing approved engine maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

This proposed AD would not require compliance with paragraphs (1), (2), (4), and (5) of EASA AD 2023–0021.

#### **Costs of Compliance**

The FAA estimates that this AD, if adopted as proposed, would affect 33 engines installed on airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise the ALS .....	1 work-hour × \$85 per hour = \$85 .....	\$0	\$85	\$2,805

**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 that the 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:
  - a. Removing Airworthiness Directive 2023–01–07, Amendment 39–22301 (88 FR 7355, February 3, 2023; corrected February 16, 2023 (88 FR 10013)); and
  - b. Adding the following new airworthiness directive:

**GE Aviation Czech s.r.o. (Type Certificate Previously held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.):** Docket No. FAA–2023–1811; Project Identifier MCAI–2023–00146–E.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by October 23, 2023.

**(b) Affected ADs**

This AD replaces AD 2023–01–07, Amendment 39–22301 (88 FR 7355, February 3, 2023; corrected February 16, 2023 (88 FR 10013)).

**(c) Applicability**

This AD applies to GE Aviation Czech s.r.o. (Type Certificate Previously held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.) Model H75–100, H75–200, H80, H80–100, H80–200, H85–100, and H85–200 engines.

**(d) Subject**

Joint Aircraft System Component (JASC) Code 7200, Engine (Turbine/Turboprop).

**(e) Unsafe Condition**

This AD was prompted by the manufacturer revising the airworthiness limitations section (ALS) of the existing engine maintenance manual (EMM) to introduce new and more restrictive airworthiness limitations and associated thresholds and intervals for life-limited parts. The FAA is issuing this AD to prevent failure of the engine. The unsafe condition, if not addressed, could result in uncontained release of a critical part, damage to the engine, and damage to the airplane.

**(f) Compliance**

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

**(g) Required Actions**

- (1) Except as specified in paragraph (h) of this AD: Perform all required actions within

the compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2023–0021, dated January 23, 2023 (EASA AD 2023–0021).

(2) The action required by paragraph (g)(1) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

**(h) Exceptions to EASA AD 2023–0021**

(1) Where EASA AD 2023–0021 defines the AMP as “the approved Aircraft Maintenance Programme containing the tasks on the basis of which the scheduled maintenance is conducted to ensure the continuing airworthiness of each operated engine,” for this AD, replace that text with, “the aircraft maintenance program containing the tasks on the basis of which the scheduled maintenance is conducted to ensure the continuing airworthiness of each operated airplane.”

(2) Where EASA AD 2023–0021 defines the ALS as “the Airworthiness Limitations Section of GEAC EMM No. 0983402 Revision 25, dated November 21, 2022,” for this AD, replace that text with, “the airworthiness limitations section of GEAC EMM No. 0983402 Revision 26, dated February 1, 2023.” The ALS in Revision 26 of the EMM is unchanged from Revision 25 of the EMM.

(3) Where EASA AD 2023–0021 refers to its effective date, this AD requires using the effective date of this AD.

(4) Where paragraph (3) of EASA AD 2023–0021 specifies revising “the approved AMP within 12 months after the effective date of EASA AD 2023–0021,” replace that text with, “the ALS of the existing approved engine maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.”

(5) This AD does not require compliance with paragraphs (1), (2), (4), and (5) of EASA AD 2023–0021.

(6) This AD does not adopt the Remarks paragraph of EASA AD 2023–0021.

**(i) Provisions for Alternative Actions and Intervals**

After performing the actions required by paragraph (g) of this AD, no alternative actions and associated thresholds and intervals, including life limits, are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2023–0021.

**(j) 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 (k) of this AD and email to [ANE-AD-AMOC@faa.gov](mailto:ANE-AD-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.

#### (k) Additional Information

For more information about this AD, contact Barbara Caufield, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238-7146; email: [barbara.caufield@faa.gov](mailto:barbara.caufield@faa.gov).

#### (l) 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 the AD specifies otherwise.

(i) European Union Aviation Safety Agency AD 2023-0021, dated January 23, 2023.

(ii) [Reserved]

(3) For EASA AD 2023-0021, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +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 service information at FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222-5110.

(5) 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](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 August 25, 2023.

#### Victor Wicklund,

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

[FR Doc. 2023-18930 Filed 9-5-23; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2023-1817; Project Identifier MCAI-2023-00664-T]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes. This proposed AD was prompted by a design review that identified the fixed emergency locator transmitter (ELT) lithium batteries would not be sufficiently cooled by the outside air in the event of a thermal runaway event. This proposed AD would require replacing the ELT with a new ELT with redesigned batteries, as specified in a Transport Canada AD, which is proposed for incorporation by reference (IBR). 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 October 23, 2023.

**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](http://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.

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other information. The street address for Docket Operations is listed above.

*Material Incorporated by Reference:*

- For material that is proposed for IBR in this NPRM, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888-663-3639; email [TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca](mailto:TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca); website [tc.canada.ca/en/aviation](http://tc.canada.ca/en/aviation). It is also available at [regulations.gov](http://regulations.gov) under Docket No. FAA-2023-1817.

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

**FOR FURTHER INFORMATION CONTACT:** Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; email [9-avs-nyaco-cos@faa.gov](mailto:9-avs-nyaco-cos@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-2023-1817; Project Identifier MCAI-2023-00664-T" 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.

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