

identified in paragraph (j)(1) or (2) of this AD, provided the actions were done using MHI RJ AMM Revision 70, dated May 25, 2022, or Revision 71, dated December 16, 2022.

(1) MHI RJ Service Bulletin 670BA-25-135, dated June 1, 2022.

(2) MHI RJ Service Bulletin 670BA-25-135, Revision A, dated August 30, 2022.

#### (k) 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 manager of the International Validation Branch, mail it to the address identified in paragraph (l)(2) 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 Transport Canada or MHI RJ Aviation ULC's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

#### (l) Additional Information

(1) Refer to Transport Canada AD CF-2023-10, dated February 17, 2023, for related information. This Transport Canada AD may be found in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-1823.

(2) For more information about this AD, contact Fatin Saumik, 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).

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(3) and (4) of this AD.

#### (m) 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) MHI RJ Service Bulletin 670BA-25-135, Revision B, dated November 25, 2022.

(ii) [Reserved]

(3) For MHI RJ Aviation ULC service information identified in this AD, contact MHI RJ Aviation Group, Customer Response Center, 3655 Ave. des Grandes-Tourelles, Suite 110, Boisbriand, Québec J7H 0E2 Canada; North America toll-free telephone 833-990-7272 or direct-dial telephone 450-990-7272; fax 514-855-8501; email [thd.crj@mhjrj.com](mailto:thd.crj@mhjrj.com); website [mhjrj.com](https://www.mhjrj.com).

(4) 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.

(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](https://www.archives.gov/federal-register/cfr/ibr-locations) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov).

Issued on December 5, 2023.

**Victor Wicklund,**

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

[FR Doc. 2023-28801 Filed 12-29-23; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA-2023-1822; Project Identifier MCAI-2023-00653-T; Amendment 39-22624; AD 2023-24-07]**

**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 all Airbus SAS Model A310 airplanes. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires 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 incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective February 6, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 6, 2024.

#### ADDRESSES:

*AD Docket:* You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-1822; 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 EASA 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](https://www.easa.europa.eu). You may find this material on the EASA website at [ad.easa.europa.eu](https://www.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](https://www.regulations.gov) under Docket No. FAA-2023-1822.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone 206-231-3225; email [dan.rodina@faa.gov](mailto:dan.rodina@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 all Airbus SAS Model A310 series airplanes. The NPRM published in the **Federal Register** on September 8, 2023 (88 FR 61990). The NPRM was prompted by AD 2023-0092, dated May 5, 2023, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2023-0092) (also referred to as the MCAI). The MCAI states that new or more restrictive airworthiness limitations have been developed.

In the NPRM, the FAA proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2023-0092. The FAA is issuing this AD to address fatigue cracking, damage, or corrosion in principal structural elements.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-1822.

#### Discussion of Final Airworthiness Directive

#### Comments

The FAA received comments from FedEx who supported the NPRM without change.

#### 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, considered the comment 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 this product. 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 14 CFR Part 51

EASA AD 2023-0092 describes new or more restrictive airworthiness tasks for airplane structures. 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 ADDRESSES section.

#### Costs of Compliance

The FAA estimates that this AD affects 1 airplane of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the FAA recognizes that this number may vary from operator to operator. In the past, the FAA has estimated that this action takes 1 work-hour per airplane. 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. Therefore, the FAA estimates the total cost per operator 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 adding the following new airworthiness directive:

**2023-24-07 Airbus SAS:** Amendment 39-22624; Docket No. FAA-2023-1822; Project Identifier MCAI-2023-00653-T.

##### (a) Effective Date

This airworthiness directive (AD) is effective February 6, 2024.

##### (b) Affected ADs

This AD affects AD 2019-20-06, Amendment 39-19759 (84 FR 55859, October 18, 2019) (AD 2019-20-06).

##### (c) Applicability

This AD applies to all Airbus SAS Model A310-203, -204, -221, -222, -304, -322, -324, and -325 airplanes, certificated in any category.

##### (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, damage, or 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) 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 2023-0092, dated May 5, 2023 (EASA AD 2023-0092).

##### (h) Exceptions to EASA AD 2023-0092

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2023-0092.

(2) Paragraph (3) of EASA AD 2023-0092 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 the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA 2023-0092 is at the applicable "associated thresholds" as incorporated by the requirements of paragraph (3) of EASA AD 2023-0092, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in the "Recording AD compliance" section of EASA AD 2023-0092.

(5) This AD does not adopt the "Remarks" section of EASA AD 2023-0092.

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

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 2023-0092.

##### (j) Terminating Action for Certain Tasks Required by AD 2019-20-06

Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2019-20-06 for the tasks identified in the service information referenced in EASA AD 2023-0092 only.

##### (k) 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 manager of the International Validation Branch, mail it to the address identified in paragraph (l) of this AD or email to: *9-AVS-AIR-730-AMOC@faa.gov*. If mailing information, also submit information by email. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district 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 Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

#### (l) Additional Information

For more information about this AD, contact Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone 206-231-3225; email *dan.rodina@faa.gov*.

#### (m) 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 2023-0092, dated May 5, 2023.

(ii) [Reserved]

(3) For EASA AD 2023-0092, 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 EASA AD on the EASA website *ad.easa.europa.eu*.

(4) You may view this material 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.

(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*.

#### Victor Wicklund,

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

[FR Doc. 2023-28799 Filed 12-29-23; 8:45 am]

BILLING CODE 4910-13-P

## FEDERAL MARITIME COMMISSION

### 46 CFR Part 520

[Docket No. FMC-2022-0067]

RIN 3072-AC86

### Carrier Automated Tariffs

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

**SUMMARY:** The Federal Maritime Commission (Commission) amends its regulations governing Carrier Automated Tariffs. The final rule removes the option for common carriers to charge a fee to access their tariff; allow non-vessel-operating common carriers (NVOCCs) to cross-reference certain aspects of other carriers' terms in their tariffs; clarify the ability for NVOCCs to reflect increases in certain charges passed-through by other entities without notice; revise regulations to specify permissible relationships between NVOCCs for the co-loading of cargo, and makes other miscellaneous updates and clarifications to the regulation, including removing outdated citations.

**DATES:** This final rule is effective on February 1, 2024.

**ADDRESSES:** You may use the Federal eRulemaking Portal at *www.regulations.gov* to view background documents or comments received in Docket No. FMC-2022-0067.

**FOR FURTHER INFORMATION CONTACT:** Amy Strauss, Acting Secretary; Phone: (202) 523-5725; Email: *secretary@fmc.gov*.

#### SUPPLEMENTARY INFORMATION:

#### I. Discussion

On May 10, 2022, the Commission issued a Notice of Proposed Rulemaking (NPRM) seeking comment on proposed changes to Commission regulations in 46 CFR part 520.<sup>1</sup> In response to the NPRM, the Commission received ten sets of comments from interested parties: The National Customs Brokers and Forwarders Association of America, Inc (NCBFAA); New York New Jersey Foreign Freight Forwarders & Brokers Association, Inc. (NYNJFFF&BA);

<sup>1</sup> Notice of Proposed Rulemaking—Carrier Automated Tariffs, 87 FR 27971 (May 10, 2022). Prior to the publication of the May 2022 proposal, the Commission published an Advance Notice of Proposed Rulemaking seeking input on how to revise its tariff regulations to help address the inconsistent manner in which carriers were interpreting and applying these regulations. See Advance Notice of Proposed Rulemaking (ANPRM)—Carrier Automated Tariffs, 86 FR 18240 (April 8, 2021).

Charles E. Schmidt; Kintetsu World Express (U.S.A.), Inc., an NVOCC; Yang Ming Marine Transport Corp., a vessel-operating common carrier (VOCC); Mohawk Global, an NVOCC; UWL, an NVOCC; C.H. Powell, an NVOCC; APL Logistics, Ltd., an NVOCC; and Ascent Global Logistics, an NVOCC. These comments are addressed in the discussion that follows.

#### A. Tariff Access Fees

With one exception, commenters that addressed the proposed rule requiring common carriers to provide free access to their tariff systems supported the rule. Kintetsu World Express favored continuing to allow a fee to be assessed, asserting that tariff publishers that currently charge an access fee to the public will likely attempt to recover lost revenue from their common carrier customer if they can no longer charge a third party for tariff access. Kintetsu at 2. See also NYNJFFF&BA at 2 (noting that carriers who use third party providers will most likely assess a fee to cover cost of access to their service). The Commission considered Kintetsu's concern that the proposed rule may lead to higher fees from its tariff publisher because the tariff publisher can no longer charge a third party for access. However, the Commission is not persuaded by Kintetsu's concern. Carriers have been required to publish tariffs for decades. See 46 U.S.C. 40501. Some carriers choose to publish these tariffs on their own website, and some choose to use a tariff publisher—and in Kintetsu's case, it decided that the best way to comply with the Commission's requirements was to pay a tariff publisher.<sup>2</sup> Kintetsu did not provide information about what it would cost to publish the tariffs on Kintetsu's own website<sup>3</sup> or a comparison of how much more Kintetsu would pay a tariff publisher if the tariff publisher could not charge a fee for access. Further, Kintetsu's concerns were not supported by similar concerns from NCBFAA or NYNJFFF&BA, entities that represent many similar NVOCCs. Based on this record, the Commission is not persuaded by Kintetsu's concern and maintains its position that it is reasonable to not charge a fee for tariff

<sup>2</sup> It appears that the benefits of using a tariff publisher go beyond simply providing a website for publication as tariff publishers advertise expert help in complying with Commission regulations and cost efficiency from outsourcing for that expertise. Thus, the decision to use a tariff publisher may include more considerations than simply the cheapest way to post tariffs publicly.

<sup>3</sup> Kintetsu does have a public website that appears to be maintained and up to date, as there are articles from August 2023. See *https://www.kwe.com/* (last accessed August 16, 2023).