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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2019-0863; Product Identifier 2019-NM-157-AD; Amendment 39-19867; AD 2020-05-17]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A318-112, A319-111, A319-112, A319-113, A319-114, A319-115, A319-131, A319-132, A319-133, A320-211, A320-212, A320-214, A320-216, A320-231, A320-232, A320-233, A320-251N, and A320-271N airplanes. This AD was prompted by a report of marginal clearance between certain fuel sensor covers on both left-hand (LH) and right-hand (RH) wings. This AD requires the replacement of certain fuel level sensor brackets, 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 April 24, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 24, 2020.

ADDRESSES: For the material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this IBR material on the EASA website at https://ad.easa.europa.eu. You may view this IBR material at the FAA, Transport Standards 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 on the internet at https://www.regulations.gov by searching for and locating Docket No. FAA-2019-0863.

Examining the AD Docket

You may examine the AD docket on the internet at https://www.regulations.gov by searching for and locating Docket No. FAA-2019-0863; 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 regulatory evaluation, 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.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3223; email Sanjay.Ralhan@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019-0197, dated August 14, 2019 ("EASA AD 2019-0197") (also referred to as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for certain Airbus SAS Model A318-112, A319-111, A319-112, A319-113, A319-114, A319-115, A319-131, A319-132, A319-133, A320-211, A320-212, A320-214, A320-215, A320-216, A320-231, A320-232, A320-233, A320-251N, and A320-271N airplanes. Model A320-215 airplanes are not certified by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A318-112, A319-111, A319-112, A319-113, A319-114, A319-115, A319-131, A319-132, A319-133, A320-211, A320-212, A320-214, A320-215, A320-216, A320-231, A320-232, A320-233, A320-251N, and A320-271N airplanes. The NPRM published in the Federal Register on November 7, 2019 (84 FR 60001). The NPRM was prompted by a report of marginal clearance between certain fuel sensor covers on both LH and RH wings. The NPRM proposed to require the replacement of certain fuel level sensor brackets.

The FAA is issuing this AD to address marginal clearance between certain fuel sensor covers on rib 24 and the crown of stringer 15 on both LH and RH wings. A possible contact between the shield and the stringer, and/or possible motion between the stringer and the shield, can make the gap more susceptible to sparking in case of lightning strike. This condition could create a source of ignition in a fuel tank vapor space, possibly resulting in a fire or explosion and consequent loss of the airplane. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

Air Line Pilots Association, International (ALPA) agreed with the intent of the NPRM.

Request To Clarify Affected Airplanes and Instructions

American Airlines (AAL) requested that the NPRM be revised to clarify the affected airplanes. AAL stated that clarification is needed on which airplanes fall outside of Group 1, 2, or 3, but still have not embodied Airbus modification (mod) 158133 and are therefore affected by EASA AD 2019-0197. AAL requested instructions on how to comply with the actions specified in the proposed AD for those airplanes in "Group 4" (EASA AD 2019-0197 defines Group 1, 2, and 3 only). Alternatively, AAL recommended that the proposed AD applicability reflect Group 1, 2, and 3 airplanes only.

The FAA agrees to clarify. This AD applies to Airbus airplanes referenced in paragraph (c) of this AD as identified in EASA AD 2019-0197, i.e., those that have not embodied Airbus modification 158133. If modification 158133 is not installed on an airplane, and none of the criteria associated with the definitions of Group 1, 2, or 3 airplanes is met, then those airplanes (referred to as group 4 by the commenter) are subject only to paragraph (4) of EASA AD 2019-0197, which contains parts installation requirements. Paragraph (4) of EASA AD 2019-0197 also applies to Group 1, 2, and 3 airplanes. The FAA has not changed this AD in this regard.

Request To Clarify Actions for Certain Airplanes

United Airlines (UAL) stated its fleet will be identified as Group 3 as specified in EASA AD 2019-0197 because Airbus Service Bulletin A320-28-1216 is being implemented on its entire fleet. UAL noted that if it were to incorporate Airbus Service Bulletin A320-57-1193 on its fleet, Airbus would need to be contacted for instructions. The FAA infers UAL is requesting that the FAA clarify the actions for Group 2 and Group 3 airplanes.

The FAA agrees to clarify. Group 3 airplanes are those having embodied Airbus Service Bulletin A320-28-1216 but not Airbus Service Bulletin A320-57-1193. However, once operators incorporate Airbus Service Bulletin A320-28-1216 and Airbus Service Bulletin A320-57-1193 on an airplane, that airplane is a Group 2 airplane as defined in EASA AD 2019-0197; operators then must comply with the requirements of this AD that correspond to the actions specified in paragraph (2) of EASA AD 2019-0197. The FAA also acknowledges UAL's comment regarding operators needing to contact Airbus prior to incorporating Airbus Service Bulletin A320-57-1193, as specified in paragraph (3) of EASA AD 2019-0197. The FAA has not changed this AD in this regard.

Request To Exclude Airplanes

Spirit Airlines requested that airplanes without factory modification 160001 be excluded from the requirements of the proposed AD. Spirit Airlines stated that if the proposed AD is applicable to aircraft without the production modification 160001, then EASA AD 2019-0197 gives no method of compliance. Spirit Airlines stated its airplanes do not fall within Group 1, Group 2, or Group 3, as specified in EASA AD 2019-0197. Spirit Airlines noted that the applicability section of EASA AD 2019-0197 excludes only aircraft with factory modification 158133.

The FAA disagrees with the commenter's request. If Airbus modification 158133 is not installed, and none of the criteria associated with the definitions for Group 1, 2, and 3 airplanes is met, then those airplanes are still subject to the parts installation requirements of this AD, as specified in paragraph (4) of EASA AD 2019-0197. Paragraph (4) of EASA AD 2019-0197 applies to all airplanes identified in paragraph (c), “Applicability,” of this AD, which includes all manufacturer serial numbers (MSN) of the referenced models, except those having Airbus modification 158133 embodied in production. The FAA has not changed this AD in this regard.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related IBR Material Under 1 CFR Part 51

EASA AD 2019-0197 describes procedures for the replacement of certain fuel level sensor brackets. 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 776 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

Estimated Costs for Required Actions

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 7 work-hour × $85 per hour = Up to $595	Up to $609	Up to $1,204	Up to $934,304.

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.

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 airworthiness directive (AD):

2020-05-17 Airbus SAS: Amendment 39-19867; Docket No. FAA-2019-0863; Product Identifier 2019-NM-157-AD.

(a) Effective Date

This AD is effective April 24, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A318-112, A319-111, A319-112, A319-113, A319-114, A319-115, A319-131, A319-132, A319-133, A320-211, A320-212, A320-214, A320-216, A320-231, A320-232, A320-233, A320-251N, and A320-271N airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2019-0197, dated August 14, 2019 ("EASA AD 2019-0197").

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by a report of marginal clearance between certain fuel sensor covers on rib 24 and the crown of stringer 15 on both left-hand (LH) and right-hand (RH) wings. A possible contact between the shield and the stringer, and/or possible motion between the stringer and the shield, can make the gap more susceptible to sparking in case of lightning strike. The FAA is issuing this AD to address this condition, which could create a source of ignition in a fuel tank vapor space, possibly resulting in a fire or explosion and consequent loss 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, EASA AD 2019-0197.

(h) Exceptions to EASA AD 2019-0197

(1) Where EASA AD 2019-0197 refers to its effective date, this AD requires using the effective date of this AD.

(2) The “Remarks” section of EASA AD 2019-0197 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Section, Transport Standards 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 International Section, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. 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.

(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 Section, Transport Standards 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.

(3) Required for Compliance (RC): For any service information referenced in EASA AD 2019-0197 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3223; email Sanjay.Ralhan@faa.gov.

(k) 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 2019-0197, dated August 14, 2019.

(ii) [Reserved]

(3) For information about EASA AD 2019-0197, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email ADs@easa.europa.eu; Internet www.easa.europa.eu. You may find this EASA AD on the EASA website at https://ad.easa.europa.eu.

(4) You may view this material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

This material may be found in the AD docket on the internet at https://www.regulations.gov by searching for and locating Docket No. FAA-2019-0863.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fedreg.legal@nara.gov, or go to: https://www.archives.gov/federal-register/cfr/ibr-locations.html.

Issued on March 7, 2020.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division,

Aircraft Certification Service.