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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0192; Project Identifier MCAI-2020-01580-T; Amendment 39-21662; AD 2021-16-01]

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 series airplanes; Model A319-111, -112, -113, -114, -115, -131, -132, -133, -151N, and -153N airplanes; Model A320 series airplanes; and Model A321 series 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 September 28, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 28, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; 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, 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 on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0192.

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-2021-0192; 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, 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, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3223; email sanjay.ralhan@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0219, dated October 12, 2020 (EASA AD 2020-0219) (also referred to as the mandatory continuing airworthiness information, or “the MCAI”), to correct an unsafe condition for all Airbus SAS Model A318 series; Model A319-111, -112, -113, -114, -115, -131, -132, -133, -151N, and -153N; Model A320-211, -212, -214, -215, -216, -231, -232, -233, -251N, -252N, -253N, -271N, -272N, and -273N airplanes; and Model A321 series airplanes. Model A320-215 airplanes are not certificated 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 series; Model A319-111, -112, -113, -114, -115, -131, -132, -133, -151N, and -153N; Model A320 series airplanes; and Model A321 series airplanes. The NPRM published in the Federal Register on March 26, 2021 (86 FR 16130). The NPRM was prompted by a determination that the new and more restrictive airworthiness limitations are necessary. The NPRM 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 2020-0219.

The FAA is issuing this AD to address a safety-significant latent failure (that is not annunciated), which, in combination with one or more other specific failures or events, could result in a hazardous or catastrophic failure condition. 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

The Air Line Pilots Association, International (ALPA) supported the NPRM.

Request To Clarify the Need for Paragraph (i) of the Proposed AD

Delta Air Lines (Delta) requested clarification on the need for paragraph (i) of the proposed AD. The commenter asked whether the paragraph was necessary since paragraph (k) of FAA AD 2020-22-16, Amendment 39-21312 (85 FR 70439, November 5, 2020) (AD 2020-22-16) allows the use of alternative actions/intervals if they are later-approved variations or revisions of Airbus

A318/A319/A320/A321 Airworthiness Limitation Section (ALS) Part 3 Certification Maintenance Requirements (CMR) Revision 07 Issue 02, dated January 17, 2020, as specified in EASA AD 2020-0067, dated April 6, 2020.

The FAA does not agree that paragraph (k) of AD 2020-22-16 makes paragraph (i) of this AD unnecessary. The intent of paragraph (i) of this AD is to clarify that the termination action is for specific tasks in ALS Part 3 Variation 7.1 that were also required in accordance with AD 2020-22-16, not the entire ALS Part 3 document. Although operators are allowed to comply with later revisions of that document, they are not required to do so unless the FAA issues an AD requiring the incorporation of that later revision. Therefore, without the older versions of these tasks being terminated, operators would have to show compliance with both versions of these tasks. No change has been made to this AD.

Request To Clarify the Meaning of Paragraph (h) of the Proposed AD

Delta requested clarification about its understanding of paragraph (h) of the proposed AD. The commenter said it interpreted “later approved revisions of this document” to mean later approved variations of ALS Part 3, e.g., Variation 7.2, 7.3, etc.

The FAA agrees with Delta's interpretation of paragraph (h) of this AD.

Request To Reduce the Number of ADs Required for Compliance

Delta expressed concern that multiple ADs would be required for compliance with ALS Part 3. The commenter noted that EASA AD 2021-0108, dated April 20, 2021, was recently issued and requires incorporating Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3 Variation 7.3. Delta stated that after the FAA AD associated with EASA AD 2021-0108 is published, operators will be required to show compliance with three ADs related to Airbus A318/A319/A320/A321 ALS Part 3 instead of the usual one. The FAA infers a request by Delta to reduce the number of ADs.

The FAA disagrees with reducing the number of ADs. While the FAA acknowledges that operators need to manage multiple ADs for compliance with ALS Part 3 (CMR), the FAA notes that two of the three EASA ADs require incorporating variations, rather than full revisions of Airbus A318/A319/A320/A321 ALS Part 3. Superseding AD 2020-22-16 would remove the requirement to show compliance with the full revision of the ALS document, potentially introducing an unsafe condition. In addition, the FAA notes that incorporation of the variations is necessary to mitigate an unsafe condition. Therefore, no change has been made to this AD.

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 Service Information Under 1 CFR Part 51

EASA AD 2020-0219 specifies new and more restrictive airworthiness limitations for certain safety valves. 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 will affect 1,680 airplanes 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. The agency recognizes that this number may vary from operator to operator. 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 agency estimates the average total cost per operator would be \$7,650 (90 work-hours x \$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.

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:



2021-16-01 Airbus SAS: Amendment 39-21662; Docket No. FAA-2021-0192; Project Identifier MCAI-2020-01580-T.

(a) Effective Date

This airworthiness directive (AD) is effective September 28, 2021.

(b) Affected ADs

This AD affects AD 2020-22-16, Amendment 39-21312 (85 FR 70439, November 5, 2020) (AD 2020-22-16).

(c) Applicability

This AD applies to the following Airbus SAS airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before June 10, 2020:

- (1) Model A318-111, -112, -121, and -122 airplanes;
- (2) Model A319-111, -112, -113, -114, -115, -131, -132, -133, -151N, and -153N airplanes;
- (3) Model A320-211, -212, -214, -216, -231, -232, -233, -251N, -252N, -253N, -271N, -272N, and -273N airplanes; and
- (4) Model A321-111, -112, -131, -211, -212, -213, -231, -232, -251N, -252N, -253N, -271N, -272N, -251NX, -252NX, -253NX, -271NX, and -272NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address a safety-significant latent failure (that is not announced), which, in combination with one or more other specific failures or events, could result in a hazardous or catastrophic failure condition.

(f) Compliance

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

(g) Requirements

Revise the existing maintenance or inspection program, as applicable, by incorporating task(s) and associated thresholds and intervals specified in paragraph (3) of European Union Aviation Safety Agency (EASA) AD 2020-0219, dated October 12, 2020 (EASA AD 2020-0219), except you are

required to incorporate task(s) and associated thresholds and intervals within 90 days after the effective date of this AD. Record a compliance time for the initial tasks of either the applicable “thresholds” incorporated by the requirements of paragraph (3) of EASA AD 2020-0219 or 90 days after the effective date of this AD, whichever would occur later.

(h) 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 2020-0219.

(i) Terminating Action for Certain Requirements of AD 2020-22-16

Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2020-22-16, for the tasks identified in the service information referred to in EASA AD 2020-0219 only.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, Large Aircraft Section, 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 Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: 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, Large Aircraft Section, 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.

(3) Required for Compliance (RC): Except as required by paragraph (j)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those 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.

(k) Related Information

For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St, Des Moines, WA 98198; telephone and fax 206-231-3223; email sanjay.ralhan@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 this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2020-0219, dated October 12, 2020.

(ii) [Reserved]

(3) For EASA AD 2020-0219, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; 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, 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. 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-2021-0192.

(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 July 20, 2021.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-18093 Filed 8-23-21; 8:45 am]