

# Proposed Rules

Federal Register

Vol. 85, No. 46

Monday, March 9, 2020

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-2020-0197; Product Identifier 2019-NM-200-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus SAS Airplanes

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

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

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive (AD) 2017-25-16, which applies to all Airbus SAS Model A330-200 Freighter, A330-200, A330-300, A340-200, A340-300, A340-500, and A340-600 series airplanes. AD 2017-25-16 requires repetitive inspections of certain fuel pumps for cavitation erosion, corrective action if necessary, and revision of the minimum equipment list (MEL). Since the FAA issued AD 2017-25-16, the FAA has determined that the inspection area must be expanded, and Model A330-941 airplanes are also subject to the unsafe condition. This proposed AD would retain the requirements of AD 2017-25-16, expand the inspection area, add certain maintenance actions, and expand the applicability, as specified in a European Union Aviation Safety Agency (EASA) AD, which will be incorporated by reference. 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 April 23, 2020.

**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 <https://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 W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For the material identified in this proposed AD that will be incorporated by reference (IBR), contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://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-2020-0197.

#### 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-2020-0197; 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 regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3229; email [vladimir.ulyanov@faa.gov](mailto:vladimir.ulyanov@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 the **ADDRESSES** section. Include "Docket No. FAA-2020-0197; Product Identifier 2019-NM-200-AD" at the

beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM based on those comments.

The FAA will post all comments, without change, to <https://www.regulations.gov>, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this NPRM.

#### Discussion

The FAA issued AD 2017-25-16, Amendment 39-19130 (82 FR 58718, December 14, 2017) ("AD 2017-25-16"), which applied to all Airbus SAS Model A330-200 Freighter, A330-200, A330-300, A340-200, A340-300, A340-500 and A340-600 series airplanes. The FAA issued AD 2017-25-16 to address cavitation erosion of certain fuel pumps, which could result, if the pump is running dry, in an ignition source in the fuel tank and consequent fuel tank explosion.

#### Actions Since AD 2017-25-16 Was Issued

Since the FAA issued AD 2017-25-16, the FAA has determined that AD 2017-25-16 must be superseded for the following reasons:

- The inspection area must be expanded to include location B, the collector cell, which is subject to the unsafe condition.
- Certain maintenance actions related to defueling and ground fuel transfer operations are also necessary for all affected airplanes.
- Model A330-941 airplanes, which were not in production at the time AD 2017-25-16 was issued, are also subject to the unsafe condition. The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019-0291, dated November 29, 2019 ("EASA AD 2019-0291") (also referred to as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for all Airbus SAS Model A330-200 Freighter, A330-200, A330-300, A330-900, A340-200, and A340-300 series, and A340-541, -542, -642, and -643 airplanes. EASA AD 2019-0291 supersedes EASA AD 2017-0224 (which corresponds to FAA AD

2017–25–16). Model A340–542 and –643 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.

This proposed AD was prompted by reports of a fuel pump showing cavitation erosion that breached the fuel pump housing through the inlet webs and exposed the fuel pump power supply wires, and by new findings that suggest the need to expand the inspection area and the applicability. The FAA is proposing this AD to address fuel pump erosion caused by cavitation. If this condition is not addressed, a pump running dry could result in a fuel tank explosion and consequent loss of the airplane. See the MCAI for additional background information.

#### Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2017–25–16, this proposed AD would retain most of the requirements of AD 2017–25–16. Those requirements are referenced in EASA AD 2019–0291, which, in turn, is referenced in paragraph (g) of this proposed AD. The reporting requirement in AD 2017–25–16 is not included in this proposed AD.

#### Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0291 describes procedures for repetitive inspections of all affected parts, replacement if necessary, updating of the applicable Master Minimum Equipment List (MMEL), and certain maintenance actions related to defueling and ground fuel transfer operations, as specified in

a European Union Aviation Safety Agency (EASA) AD, which will be incorporated by reference.

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.

#### FAA's Determination and Requirements of This Proposed AD

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 the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD because the FAA evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2019–0291 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

#### Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers

and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2019–0291 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2019–0291 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 and compliance times," compliance with this AD requirement is not limited to the section titled "Required Action(s) and Compliance Time(s)" in the EASA AD. Service information specified in EASA AD 2019–0291 that is required for compliance with EASA AD 2019–0291 will be available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–0197 after the FAA final rule is published.

#### Interim Action

The FAA considers this proposed AD interim action. The manufacturer is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, the FAA might consider additional rulemaking.

#### Costs of Compliance

The FAA estimates that this proposed AD affects 107 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

#### ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2017–25–16	Up to 4 work-hours × \$85 per hour = Up to \$340.	\$0	Up to \$340 .....	Up to \$36,380.
New proposed actions .....	Up to 68 work-hours × \$85 per hour = Up to \$5,780.	\$0	Up to \$5,780 .....	Up to \$618,460.
MEL revision .....	1 workhour × \$85 = \$85 .....	\$0	\$85 .....	\$9,095.

The FAA estimates the following costs to do any necessary on-condition action that would be required based on

the results of any required actions. The FAA has no way of determining the

number of aircraft that might need this on-condition action:

#### ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 126 work-hours × \$85 per hour = Up to \$10,710 .....	Up to \$173,680 .....	Up to \$184,390.

### 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 this proposed regulation:

- (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 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 removing Airworthiness Directive (AD)

2017–25–16, Amendment 39–19130 (82 FR 58718, December 14, 2017) ("AD 2017–25–16"), and adding the following new AD:

**Airbus SAS:** Docket No. FAA–2020–0197; Product Identifier 2019–NM–200–AD.

#### (a) Comments Due Date

The FAA must receive comments by April 23, 2020.

#### (b) Affected ADs

This AD replaces AD 2017–25–16, Amendment 39–19130 (82 FR 58718, December 14, 2017) ("AD 2017–25–16").

#### (c) Applicability

This AD applies to all Airbus SAS airplanes, certificated in any category, and identified in paragraphs (c)(1) through (8) of this AD.

- (1) Model A330–223F and –243F airplanes.
- (2) Model A330–201, –202, –203, –223, and –243 airplanes.
- (3) Model A330–941 airplanes.
- (4) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.
- (5) Model A340–211, –212, and –213 airplanes.
- (6) Model A340–311, –312, and –313 airplanes.
- (7) Model A340–541 airplanes.
- (8) Model A340–642 airplanes.

#### (d) Subject

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

#### (e) Reason

This AD was prompted by reports of a fuel pump showing cavitation erosion that exposed the fuel pump power supply wires, and by new findings that suggest the need to expand the inspection area and the applicability. The FAA is issuing this AD to address fuel pump erosion caused by cavitation. If this condition is not addressed, a pump running dry could result in a fuel tank 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, European Union Aviation Safety Agency (EASA) AD 2019–0291, dated November 29, 2019 ("EASA AD 2019–0291").

#### (h) Exceptions to EASA AD 2019–0291

- (1) Where EASA AD 2019–0291 refers to its effective date, this AD requires using the effective date of this AD.
- (2) The "Remarks" section of EASA AD 2019–0291 does not apply to this AD.
- (3) Where EASA AD 2019–0291 refers to the master minimum equipment list (MMEL), this AD refers to the operator's minimum equipment list (MEL).
- (4) Where paragraph (1) of EASA AD 2019–0291 specifies a compliance time of "Before

an affected part exceeds 10,000 flight hours (FH) since first installation on an aeroplane," for this AD the compliance time is "Before an affected pump exceeds 10,000 flight hours since first installation on an airplane, or the applicable time specified in paragraph (h)(4)(i) or (ii) of this AD, whichever occurs later."

(i) For a center tank, rear center tank, or aft transfer fuel pump: Within 30 days after December 29, 2017 (the effective date of AD 2017–25–16).

(ii) For a stand-by fuel pump: Within 40 days after December 29, 2017 (the effective date of AD 2017–25–16).

(5) Where EASA AD 2019–0291 refers to the "effective date of EASA AD 2017–0224," this AD requires using "December 29, 2017 (the effective date of AD 2017–25–16)."

#### (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)(2) of this AD. Information may be emailed to: [9-ANM-116-AMOC-REQUESTS@faa.gov](mailto:9-ANM-116-AMOC-REQUESTS@faa.gov).

(i) 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.

(ii) AMOCs approved previously for AD 2017–25–16 are approved as AMOCs for the corresponding provisions of EASA AD 2019–0291 that are required by paragraph (g) of this AD.

(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 2019–0291 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**

(1) For information about EASA AD 2019-0291, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>. 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-2020-0197.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3229; email [vladimir.ulyanov@faa.gov](mailto:vladimir.ulyanov@faa.gov).

Issued on March 1, 2020.

**Lance T. Gant,**

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

[FR Doc. 2020-04724 Filed 3-6-20; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2020-0107; Product Identifier 2019-NM-205-AD]

**RIN 2120-AA64**

**Airworthiness Directives; The Boeing Company Airplanes**

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

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

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive (AD) 2019-03-06, which applies to certain The Boeing Company Model 737-300, -400, and -500 series airplanes. AD 2019-03-06 requires installing lanyard assemblies to the passenger service units (PSUs) and, for certain airplanes, on the life vest panels. Since AD 2019-03-06 was issued, the FAA has determined that additional actions are necessary for five airplanes. This proposed AD would retain the requirements of AD 2019-03-06 and require installation of lanyard assemblies to the life vest panels on those five airplanes. 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 April 23, 2020.

**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 <https://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:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; internet <https://www.myboeingfleet.com>. You may view this service information 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 on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0107.

**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-2020-0107; 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 regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Scott Craig, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3566; email: [Michael.S.Craig@faa.gov](mailto:Michael.S.Craig@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 the **ADDRESSES** section. Include "Docket No. FAA-2020-0107; Product Identifier 2019-NM-205-AD" at the beginning of your comments. The FAA

specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

The FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this proposed AD.

**Discussion**

The FAA issued AD 2019-03-06, Amendment 39-19558 (84 FR 5587, February 22, 2019) ("AD 2019-03-06"), for certain Boeing Model 737-300, -400, and -500 series airplanes. AD 2019-03-06 requires installing lanyard assemblies to the PSUs and, for certain airplanes, to the life vest panels. AD 2019-03-06 was prompted by a report indicating that the PSUs became separated from their attachments during several survivable accident sequences. The FAA issued AD 2019-03-06 to address the potential for a PSU to detach and fall into the cabin, which could lead to passenger injuries and impede egress during an evacuation.

**Actions Since AD 2019-03-06 Was Issued**

Since AD 2019-03-06 was issued, the FAA made a determination, based on additional information provided by Boeing, that lanyard assemblies must also be installed to the life vest panels on additional airplanes. That action was not specified for these additional airplanes in previous service information or required by AD 2019-03-06.

**Related Service Information Under 14 CFR Part 51**

The FAA reviewed Boeing Special Attention Service Bulletin 737-25-1728, Revision 1, dated November 26, 2019. The service information describes procedures for installing lanyard assemblies to the PSUs and life vest panels, as applicable to the airplane group.

This proposed AD would also require Boeing Requirements Bulletin 737-25-1758 RB, dated November 8, 2017, which the Director of the Federal Register approved for incorporation by reference as of March 29, 2019 (84 FR 5587, February 22, 2019).

This service information is reasonably available because the interested parties have access to it through their normal