[4910-13-P]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2023-0924; Project Identifier MCAI-2022-01262-T]

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) 2021-16-18, which applies to all Airbus SAS Model A330-200 Freighter, A330-200, A330-300, A330-800, A330-900, A340-200, A340-300, A340-500, and A340-600 series airplanes. AD 2021-16-18 requires repetitive inspections of certain fuel pumps for cavitation erosion, replacement if necessary, revision of the existing operator's minimum equipment list (MEL), and accomplishment of certain maintenance actions related to defueling and ground fuel transfer operations. Since the FAA issued AD 2021-16-18, new, more erosion resistant pumps were developed and the FAA determined that affected fuel pumps must be replaced with new, more erosion resistant pumps. This proposed AD would continue to require the actions in AD 2021-16-18 and would require replacement of affected parts, which would terminate the repetitive inspections, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. This proposed AD would also prohibit the installation of certain affected parts. 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 [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

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-2023-0924; 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 the EASA AD identified in this NPRM, you may 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 material on the EASA website at ad.easa.europa.eu.

• For Eaton service information identified in this NPRM, you may contact Eaton Limited, Customer Support, Abbey Park, Southhampton Road, Titchfield, Fareham, Hampshire, PO14 4QA, U.K.; telephone +01 329853000; Fax +01 329853714.

• 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.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3229; email 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 ADDRESSES. Include "Docket No. FAA-2023-0924; Project Identifier MCAI-2022-01262-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.

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 Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3229; email Vladimir.Ulyanov@faa.gov. 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 2021-16-18, Amendment 39-21681 (86 FR 60560, November 3, 2021) (AD 2021-16-18), which applies to all Airbus SAS Model A330-201, A330-202, A330-203, A330-223, A330-223F, A330-243, A330-243F, A330-301, A330-302, A330-303, A330-321, A330-322, A330-323, A330-341, A330-342, A330-343, A330-841, A330-941, A340-211, A340-212, A340-213, A340-311, A340-312, A340-313, A340-541, and A340-642 airplanes. AD 2021-16-18 was prompted by EASA AD 2020-0283, dated December 17, 2020; corrected December 24, 2020 (EASA AD 2020-0283), issued by EASA, which is the Technical Agent for the Member States of the European Union.

AD 2021-16-18 requires repetitive inspections of certain fuel pumps for cavitation erosion, replacement if necessary, revision of the operator's existing MEL, and accomplishment of certain maintenance actions related to defueling and ground fuel transfer operations. The FAA issued AD 2021-16-18 to address fuel pump erosion caused by cavitation.

Actions Since AD 2021-16-18 Was Issued

Since the FAA issued AD 2021-16-18, EASA superseded EASA AD 2020-0283, and issued EASA AD 2022-0197, dated September 22, 2022 (EASA AD 2022-0197) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A330-201, A330-202, A330-203, A330-223, A330-223F, A330-243, A330-243F, A330-

301, A330-302, A330-303, A330-321, A330-322, A330-323, A330-341, A330-342, A330-343, A330-743L, A330-841, A330-941, A340-211, A340-212, A340-213, A340-311, A340-312, A340-313, A340-541, A340-542, A340-642 and A340-643 airplanes. Model A330-743L, A340-542, and A340-643 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability.

The MCAI states that new, more erosion resistant pumps have been developed to address the unsafe condition. The MCAI states there have been reports of fuel pumps showing cavitation erosion. This condition, if not detected and corrected, could result, in a case where the pump is running dry, in an ignition source in the fuel tank, which may result in a fuel tank explosion and consequent loss of the airplane.

The FAA is proposing this AD to address the unsafe condition on these products. You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA-2023-0924.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2021-16-18, this proposed AD would retain the requirements of AD 2021-16-18. Those requirements are referenced in EASA AD 2022-0197, which, in turn, is referenced in paragraph (g) of this proposed AD.

Related Service Information Under 1 CFR Part 51

EASA AD 2022-0197 specifies procedures for repetitive inspections of all affected parts; replacement of affected parts if necessary; replacement of certain part-numbered affected parts, which allows a terminating action for the repetitive inspections; updating of the applicable Master Minimum Equipment List (MMEL), and certain maintenance actions related to defueling and ground fuel transfer operations. EASA AD 2022-0197 also prohibits certain affected parts from being installed.

The FAA also reviewed Eaton Service Bulletin 8810-28-06, Revision 2, dated March 1, 2019, which defines erosion cases and breakthrough.

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

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, 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 in other products of the same type designs.

Proposed AD Requirements in this NPRM

This proposed AD would retain the requirements of AD 2021-16-18. This proposed AD would require accomplishing the actions specified in EASA AD 2022-0197 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD." This proposed AD would also prohibit the installation of certain affected parts.

Other Relevant Rulemaking

Note 4 of EASA AD 2022-0197 refers to EASA AD 2015-0194. EASA AD 2015-0194 corresponds to FAA AD 2016-20-10, Amendment 39-18676 (81 FR 71593, October 18, 2016 (AD 2016-20-10)). AD 2016-20-10 requires the replacement of fuel pumps that have part number (P/N) P/N 568-1-28300-001, 568-1-28300-002, 568-1-28300-100, or 568-1-28300-101 with a pump having a part number other than those part numbers. However, operators should be aware that this proposed AD will prohibit the installation P/N 568-1-28300-103 as of the effective date of the AD.

AD 2016-20-10 also requires the replacement of P/N 568-1-28300-101 within 72 months or 96 months after November 22, 2016 (the effective date of AD 2016-20-10), depending on the configuration of the installed fuel pumps. Paragraph (5) of EASA AD 2022-0197 specifies to replace P/N 568-1-28300-101 at location A within 5 years after the effective date of that AD. Paragraph (6) of EASA AD 2022-0197 specifies to replace P/N 568-1-28300-101 at location B within 7 years after the effective date of that AD. These new compliance times do not apply to those affected by AD 2016-20-10. Therefore, the FAA has clarified the compliance time in paragraph (h)(10) of this AD.

Compliance With MEL Revision

EASA AD 2022-0197 requires operators to "inform all flight crews" of revisions to the MMEL, and thereafter to "operate the aeroplane accordingly." However, this proposed AD would not specifically require those actions as they are already required by FAA regulations.

FAA regulations (14 CFR 121.628(a)(2)) require operators to provide pilots with access to all of the information contained in the operator's MEL.

Furthermore, 14 CFR 121.628(a)(5) requires airplanes to be operated under all applicable conditions and limitations contained in the operator's MEL. Therefore, including a requirement in this proposed AD to operate the airplane according to the revised MEL would be redundant and unnecessary. Further, compliance with such a requirement in an AD would be impracticable to demonstrate or track on an ongoing basis; therefore, a requirement to operate the airplane in such a manner would be unenforceable.

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 been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2022-0197 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022-0197 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 EASA AD 2022-0197 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 EASA AD 2022-0197. Service information required by EASA AD 2022-0197 for compliance will be available at regulations.gov under Docket No. FAA-2023-0924 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 112 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 2021-16-18	Up to 69 work-hours X $85 per hour = Up to $5,865	$0	Up to $5,865	Up to $656,880
New proposed action	Up to7 work-hours X $85 per hour = $595	$9,648	Up to $10,243	Up to $1,147,216

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) 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 (AD) 2021-16-18, Amendment 39-21681 (86 FR 60560, dated November 3, 2021); and

b. Adding the following new AD:

Airbus SAS: Docket No. FAA-2023-0924; Project Identifier MCAI-2022-01262-T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

(b) Affected ADs

This AD replaces AD 2021-16-18, Amendment 39-21681 (86 FR 60560, dated November 3, 2021) (AD 2021-16-18).

(c) Applicability

This AD applies to all Airbus SAS Airplanes, certificated in any category, and identified in paragraphs (c)(1) through (9) of this AD.

(1) Model 330-223F and -243F airplanes.

(2) Model A330-201, -202, -203, -223, and -243 airplanes.

(3) Model A330-301, -302, -303, -321, -322, -323, -341, -342, and -343 airplanes.

(4) Model A330-841 airplanes.

(5) Model A330-941 airplanes.

(6) Model A340-211, -212, and -213 airplanes.

(7) Model A340-311, -312, and -313 airplanes.

(8) Model A340-541 airplanes.

(9) Model A340-642 airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of a fuel pump showing cavitation erosion that exposed the fuel pump power supply wires, and a determination that affected fuel pumps must be replaced with new, more erosion resistant pumps. 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 paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022-0197, dated September 22, 2022 (EASA AD 2022-0197).

(h) Exceptions to EASA AD 2022-0197

(1) Where EASA AD 2022-0197 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2022-0197 refers to "31 December 2020 [the effective date of EASA AD 2020-0283]," this AD requires using "December 8, 2021 (the effective date of AD 2021-16-18)."

(3) Where EASA AD 2022-0197 refers to "13 December 2019 [the effective date of EASA AD 2019-0291 at original issue]," this AD requires using "November 18, 2020 (the effective date of AD 2020-21-05, Amendment 39-21278 (85 FR 64963, October 14, 2020))."

(4) Where EASA AD 2022-0197 refers to "17 November 2017 [the effective date of EASA AD 2017-0224]," this AD requires using "December 29, 2017 (the effective date of AD 2017-25-16, Amendment 39-19130 (82 FR 58718, December 14, 2017))."

(5) Where EASA AD 2022-0197 refers to the master minimum equipment list (MMEL), this AD refers to the operator's minimum equipment list (MEL).

(6) Where paragraphs (15), (16), and (17) of EASA AD 2022-0197 specify to "inform all flight crews, and, thereafter, operate the aeroplane accordingly," this AD does not require those actions as those actions are already required by existing FAA operating regulations (see 14 CFR 121.628(a)(2) and 121.628(a)(5)).

(7) Where the Definitions section of EASA AD 2022-0197 specifies "erosion cases and breakthrough" and refers to "Eaton Aerospace Ltd SB 8810-28-06 Revision 2 (or later revisions)," for this AD, use only Eaton Service Bulletin 8810-28-06, Revision 2, dated March 1, 2019.

(8) Note 4 of EASA AD 2022-0197 refers to EASA AD 2015-0194. EASA AD 2015-0194 corresponds to FAA AD 2016-20-10, Amendment 39-18676 (81 FR 71593, October 18, 2016) (AD 2016-20-10).

(9) This AD does not adopt the "Remarks" section of EASA AD 2022-0197.

(10) Where paragraphs (5) and (6) of EASA AD 2022-0197 specify a compliance time to replace part number (P/N) 568-1-28300-101, for airplanes identified in AD 2016-20-10, the compliance time to replace fuel pumps having P/N 568-1-28300-101, or a combination of P/N 568-1-28300-101 and certain other part numbers, is specified in paragraphs (h)(1) and (2) of AD 2016-20-10, as applicable.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2022-0197 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) 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 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, 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) Additional Information

For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3229; email Vladimir.Ulyanov@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) Eaton Service Bulletin 8810-28-06, Revision 2, dated March 1, 2019.

(ii) European Union Aviation Safety Agency (EASA) AD 2022-0197, dated September 22, 2022 (EASA AD 2022-0197).

(3) For Eaton service information identified in this AD, contact Eaton Limited, Customer Support, Abbey Park, Southhampton Road, Titchfield, Fareham, Hampshire, PO14 4QA, U.K.; telephone + 01 329853000; Fax + 01 329853714.

(4) For EASA AD 2022-0197, 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 at ad.easa.europa.eu.

(5) 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.

(6) 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, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

Issued on April 8, 2023.

Christina Underwood, Acting Director,
Compliance & Airworthiness Division,
Aircraft Certification Service.

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