

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

[Docket No. 2001-NM-195-AD; Amendment 39-12364; AD 2001-15-29]

RIN 2120-AA64

**Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Series Airplanes and Airbus Model A340 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain Airbus Model A330-301, -321, -322, and -342 series airplanes and certain Airbus Model A340 series airplanes, that currently requires reinforcement of the wing structure at the inboard pylon rear pickup area. This amendment revises the applicability to include additional airplanes. The actions specified by this AD are intended to prevent fatigue cracking of the bottom skin and reinforcing plate of the wing due to bending, which could lead to reduced structural integrity of the airplane wing. This action is intended to address the identified unsafe condition.

**DATES:** Effective August 20, 2001.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of May 14, 2001 (66 FR 21074, April 27, 2001).

Comments for inclusion in the rules docket must be received on or before September 4, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket Number 2001-NM-195-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2001-NM-195-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must

be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. **FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** On April 19, 2001, the FAA issued AD 2001-08-25, amendment 39-12202 (66 FR 21074, April 27, 2001). That AD is applicable to certain Airbus Model A330-301, -321, -322, and -342 series airplanes and certain Airbus Model A340 series airplanes. That AD requires reinforcement of the wing structure at the inboard pylon rear pickup area. That AD was prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The requirements of that AD are intended to prevent fatigue cracking of the bottom skin and reinforcing plate of the wing due to bending, which could lead to reduced structural integrity of the airplane wing.

**Actions Since Issuance of Previous Rule**

Since the issuance of AD 2001-08-25, the FAA has been advised by the manufacturer that Airbus Model A330-341 series airplanes should have been included in the applicability of that AD. The FAA has determined that Model A330-341 series airplanes were inadvertently omitted from the applicability of that AD.

**FAA's Conclusions**

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement.

**Explanation of Requirements of the Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design that may be registered in the United States at some future time, this

AD supersedes AD 2001-08-25 to continue to require reinforcement of the wing structure at the inboard pylon rear pickup area. This AD expands the applicability of the existing AD to include Model A330-341, which was inadvertently omitted from the existing AD.

**Cost Impact**

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this AD currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this AD is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, for Model A330 series airplanes to follow Airbus Service Bulletin A330-57-3021, it would require approximately 380 work hours to accomplish the required replacements, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$44,800 per airplane. Based on these figures, the expected cost of these replacements per airplane would be \$67,600.

Also for Model A330 series airplanes, to follow Airbus Service Bulletin A330-54-3005, it would require approximately 36 work hours to accomplish the required replacements, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$15,774 per airplane. Based on these figures, the expected cost of these replacements per airplane would be \$17,934.

For Airbus Model A340 series airplanes, to follow Airbus Service Bulletin A340-57-4025, it would require approximately 380 work hours to accomplish the required replacements, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$44,800 per airplane. Based on these figures, the expected cost of these replacements per airplane would be \$67,600.

Also for Model A340 series airplanes, to follow Airbus Service Bulletin A340-54-4003, it would require approximately 26 work hours to accomplish the required replacements, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$15,358 per airplane. Based on these figures, the expected cost of these replacements per airplane would be \$16,918.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

#### Determination of Rule's Effective Date

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

#### Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments,

in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-1-NM-195-AD." The postcard will be date stamped and returned to the commenter.

#### Regulatory Impact

The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by removing amendment 39-12202 (66 FR 21074, April 27, 2001), and by adding a new airworthiness directive (AD),

amendment 39-12364, to read as follows:

**2001-15-29 Airbus Industrie:** Amendment 39-12364. Docket 2001-NM-195-AD. Supersedes AD 2001-08-25, Amendment 39-12202.

*Applicability:* Model A330-301, -321, -322, -341, and -342 series airplanes, as listed in Airbus Service Bulletin A330-57-3021, Revision 03, including Appendices 01 and 02, dated November 5, 1999; and Model A340 series airplanes, as listed in Airbus Service Bulletin A340-57-4025, Revision 02, including Appendices 01 and 02, dated November 5, 1999; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent fatigue cracking of the airplane wing bottom skin and reinforcing plate due to wing bending, which could lead to reduced structural integrity of the wing, accomplish the following:

#### Modification

(a) For Model A330 series airplanes, prior to the accumulation of 12,000 total flight cycles or 37,300 total flight hours, whichever occurs first, accomplish the actions required by paragraphs (a)(1) and (a)(2) of this AD.

(1) Prior to, or concurrently with, the accomplishment of the tasks required by paragraph (a)(2) of this AD, replace five existing fillets with five new fillets, one existing firewall with one new firewall, and one existing case drainpipe with one new case drainpipe, and modify the contour milling of the external tip of rib 19A on each of the left and right wing pylons, in accordance with Airbus Service Bulletin A330-54-3005, Revision 01, dated October 19, 1999.

(2) Concurrently with, or subsequent to, the accomplishment of the tasks required by paragraph (a)(1) of this AD, reinforce the wing structure at the inboard pylon rear pickup area on both wings (including performing high-frequency eddy current rototests, corrective actions if necessary, and installing a larger reinforcing plate and packer plate) in accordance with Airbus Service Bulletin A330-57-3021, Revision 03, including Appendices 01 and 02, dated November 5, 1999.

(b) For Model A340 series airplanes, prior to the accumulation of 15,000 total flight cycles or 59,600 total flight hours, whichever occurs first, accomplish the actions required by paragraphs (b)(1) and (b)(2) of this AD.

(1) Prior to, or concurrently with, the accomplishment of the tasks required by paragraph (b)(2) of this AD, reinforce the wing structure at the inboard pylon rear pickup area of both wings (including performing high-frequency eddy current rototests, corrective actions if necessary, and installing a larger reinforcing plate and packer plate) in accordance with Airbus Service Bulletin A340-57-4025, Revision 02, including Appendices 01 and 02, dated November 5, 1999.

(2) Concurrently with, or subsequent to, the accomplishment of the tasks required by paragraph (b)(1) of this AD, replace five existing fillets with five new fillets and one

existing firewall with one new firewall on each of the left and right wing inboard pylons, in accordance with Airbus Service Bulletin A340-54-4003, Revision 01, dated April 26, 2000.

(c) If any discrepancy is found during any inspection or rototest required by paragraphs (a)(2) or (b)(1) of this AD, prior to further flight, accomplish applicable repairs in accordance with Airbus Service Bulletin A330-57-3021, Revision 03, including Appendices 01 and 02, dated November 5, 1999 (for Model A330 series airplanes); or Airbus Service Bulletin A340-57-4025, Revision 02, including Appendices 01 and 02, dated November 5, 1999 (for Model A340

series airplanes). If the service bulletin specifies to contact the manufacturer for appropriate action: Prior to further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (or its delegated agent).

**Note 2:** Accomplishment of the modifications required by paragraphs (a)(1) and (a)(2) or paragraphs (b)(1) and (b)(2) of this AD, prior to the effective date of this AD in accordance with the service bulletins listed in Table 1 of this AD, as follows, is considered acceptable for compliance with the applicable actions this AD:

TABLE 1.—PRIOR SERVICE BULLETINS CONSIDERED ACCEPTABLE FOR COMPLIANCE

Model	Service bulletin	Revision level	Date
A330	A330-54-3005	Original	March 25, 1996.
A330	A330-57-3021	Original	March 25, 1996.
	A330-57-3021	01	September 1, 1998.
	A330-57-3021	02	April 9, 1999.
A340	A340-57-4025	Original	March 25, 1996.
	A340-57-4025	01	September 1, 1998.
A340	A340-54-4003	Original	March 25, 1996.

**Alternative Methods of Compliance**

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and send it to the manager, International Branch ANM-116.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the international Branch, ANM-116.

**Special Flight Permits**

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

**Incorporation by Reference**

(f) Except as provided by paragraph (c) of this AD, the actions must be done in accordance with Airbus Service Bulletin A330-57-3021, Revision 03, including Appendices 01 and 02, dated November 5, 1999; Airbus Service Bulletin A340-57-4025, Revision 02, including Appendices 01 and 02, dated November 5, 1999; Airbus Service Bulletin A330-54-3005, Revision 01, dated October 19, 1999; and Airbus Service Bulletin A340-54-4003, Revision 01, dated April 26, 2000; as applicable. This incorporation by reference was approved previously by the Director of the Federal Register as of May 14, 2001 (66 FR 21074, April 27, 2001). Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA,

Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 4:** The subject of this AD is addressed in French airworthiness directives 2000-178-121(B) and 2000-179-147(B), both dated May 3, 2000.

**Effective Date**

(g) This amendment becomes effective on August 20, 2001.

Issued in Renton, Washington, on July 25, 2001.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-19259 Filed 8-2-01; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**20 CFR Part 656**

**RIN 1205-AB25**

**Labor Certification Process for the Permanent Employment of Aliens in the United States; Refiling of Applications**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Final rule.

**SUMMARY:** The Employment and Training Administration (ETA) of the

Department of Labor (Department or DOL) is amending its regulations relating to the permanent employment of aliens in the United States. This final rule permits employers to request, in certain circumstances, that any labor certification application for permanent employment in the United States that is filed on or before August 3, 2001, be processed as a reduction in recruitment request. ETA anticipates that the amendment will reduce the backlog of labor certification applications for permanent employment in State Employment Security Agencies (SESA's). ETA believes this measure to reduce backlogs will result in a variety of desirable benefits, such as a reduction in processing time for both new applications and those applications currently in the queue, and will facilitate the development and implementation of a new, more efficient, system for processing labor certification applications for permanent employment in the United States.

**EFFECTIVE DATE:** The amendments contained in this final rule will take effect on September 4, 2001.

**FOR FURTHER INFORMATION CONTACT:** Contact Dale M. Ziegler, Chief, Division of Foreign Labor Certifications, Employment and Training Administration, 200 Constitution Avenue, NW., Room C-4318, Washington, DC 20210. Telephone: (202) 693-3010 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:**