

Public Participation

This action is being finalized without prior notice or public comment under authority of 5 U.S.C. 553(b)(3)(A) and (B). This rule implements through amendments to current program regulations a nondiscretionary provision mandated by the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108–265). Thus, the Department has determined in accordance with 5 U.S.C. 553(b) that Notice of Proposed Rulemaking and Opportunity for Public Comments is unnecessary and contrary to the public interest and, in accordance with 5 U.S.C. 553(d), finds that good cause exists for making this action effective.

List of Subjects in 7 CFR Part 226

Accounting, Aged, Day care, Food assistance programs, Grant programs, Grant programs—health, Indians, Individuals with disabilities, Infants and children, Intergovernmental relations, Loan programs, Reporting and recordkeeping requirements, Surplus agricultural commodities.

■ Accordingly, 7 CFR part 226 is amended as follows:

PART 226—CHILD AND ADULT CARE FOOD PROGRAM

■ 1. The authority citation for part 226 continues to read as follows:

Authority: Secs. 9, 11, 14, 16, and 17, Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1758, 1759a, 1762a, 1765, and 1766).

■ 2. In § 226.6, amend paragraph (p) by adding the words “written permanent” before the word “agreement” in the first sentence and by adding a new sentence after the first sentence, to read as follows:

§ 226.6 State agency administrative responsibilities.

* * * * *

(p) * * * Nothing in the preceding sentence shall be construed to limit the ability of the sponsoring organization to suspend or terminate the permanent agreement in accordance with § 226.16(l). * * *

* * * * *

■ 3. In § 226.18, amend paragraph (b) introductory text by adding the word “permanent” before the word “agreement” in the second sentence and by adding a new sentence after the second sentence, to read as follows:

§ 226.18 Day care home provisions.

* * * * *

(b) * * * Nothing in the preceding sentence shall be construed to limit the ability of the sponsoring organization to

suspend or terminate the permanent agreement in accordance with § 226.16(l). * * *

* * * * *

Dated: May 25, 2005.

Roberto Salazar,

Administrator.

[FR Doc. 05–11806 Filed 6–14–05; 8:45 am]

BILLING CODE 3410–30–P

FEDERAL ELECTION COMMISSION

11 CFR Part 111

[Notice 2005–16]

Inflation Adjustments for Civil Monetary Penalties

AGENCY: Federal Election Commission.

ACTION: Final rules.

SUMMARY: The Federal Election Commission (“Commission”) is adopting final rules to apply inflation adjustments to certain civil monetary penalties under the Federal Election Campaign Act of 1971, as amended (“FECA”), the Presidential Election Campaign Fund Act and the Presidential Primary Matching Payment Account Act. The civil penalties being adjusted are for (1) certain violations of these statutes that are not knowing and willful, involving contributions and expenditures; (2) knowing and willful violations of the prohibition against the making of a contribution in the name of another; (3) knowing and willful violations of the confidentiality provisions of FECA; and (4) failure to file timely 48-hour notices. No other civil penalties are being adjusted. These adjustments are required by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996. Further information is provided in the supplementary information that follows. **DATES:** These penalty adjustments are effective on June 15, 2005.

FOR FURTHER INFORMATION CONTACT: Ms. Mai T. Dinh, Assistant General Counsel, or Mr. Albert J. Kiss, Attorney, 999 E Street, NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act of 1990,¹ as amended by the Debt Collection Improvement Act of 1996,² (“Inflation Adjustment Act”) requires Federal agencies to adopt regulations at least once every four years adjusting for inflation the civil monetary

penalties within the jurisdiction of the agency.

A civil monetary penalty (“civil penalty”) is defined in the Inflation Adjustment Act as any penalty, fine, or other sanction that is for a specific amount, or has a maximum amount, as provided by Federal law, and is assessed or enforced by an agency in an administrative proceeding or by a Federal court pursuant to Federal law.³ This definition covers the civil penalties provided for in the Federal Election Campaign Act of 1971 (“FECA”), as amended, 2 U.S.C. 431 *et seq.*, for respondents who violate FECA, or violate the Presidential Election Campaign Fund Act, 26 U.S.C. 9001 *et seq.*, or the Presidential Primary Matching Payment Account Act, 26 U.S.C. 9031 *et seq.* (collectively “chapters 95 and 96 of Title 26”). Under the Inflation Adjustment Act, a civil penalty is adjusted by a cost-of-living adjustment (“COLA”), determined by multiplying the amount of the civil penalty by the percentage (if any) by which the U.S. Department of Labor’s Consumer Price Index for all urban consumers (“CPI”) for the month of June for the year preceding the year of adjustment exceeds the CPI for the month of June for the year in which the amount of the civil penalty was last set or adjusted.⁴ The amount of the inflation adjustment is subject to rounding rules.⁵

In March 1997, the Commission promulgated new rules to adjust FECA’s then-current civil penalties pursuant to the Inflation Adjustment Act. *Final Rules and Explanation and Justification for Adjustments to Civil Monetary Penalty Amounts*, 62 FR 11316 (Mar. 12, 1997) (“1997 Civil Penalty Adjustment E&J”). In January 2002, the Commission again examined its civil penalty rules under the Inflation Adjustment Act, but did not adjust any civil penalty rules because the operation of the Inflation Adjustment Act’s rounding rules did not result in increases in any of the civil penalties. Agenda Doc. 02–06 (Jan. 17, 2002). As explained in more detail below, the Commission has determined that certain civil penalties in 11 CFR 111.24 and 111.44 must be increased again in 2005 due to the increases in the CPI and the application of the Inflation Adjustment Act’s rounding rules to these civil penalties. However, other civil penalties in 11 CFR 111.24 and 111.43 are not being changed because the rounding rules negate any increases

¹ 28 U.S.C. 2461 note (2005).

² Public Law 104–134, 110 Stat. 1321–358, 1321–373, section 31001(s) (1996).

³ 28 U.S.C. 2461 note (3)(2).

⁴ 28 U.S.C. 2461 note (3)(3) and (5)(b).

⁵ 28 U.S.C. 2461 note (5)(a).

in the civil penalties that would have resulted from the increases in the CPI.

The Commission is required by statute to adjust the civil penalties under its jurisdiction by a COLA formula. This application of the COLA does not involve Commission discretion or any policy judgments. Thus, the Commission finds that the “good cause” exception to the notice and comment requirement in section 553 of the Administrative Procedure Act applies to these rules because notice and comment are unnecessary. 5 U.S.C. 553(b)(B) and (d)(3). For the same reasons, these rules do not need to be submitted to the Speaker of the House of Representatives or the President of the Senate under the Congressional Review Act, 5 U.S.C. 801 *et seq.*, and these rules are effective upon publication. 5 U.S.C. 808(2). Accordingly, these amendments are effective on June 15, 2005. The new civil penalty amounts are applicable only to violations that occur after this effective date.

Explanation and Justification

11 CFR 111.24—Civil Penalties (2 U.S.C. 437g(a)(5), (6), (12), 28 U.S.C. 2461 *nt.*)

FECA provides for civil penalties for any person who violates any portion of FECA or chapters 95 and 96 of Title 26. FECA’s civil penalties, found at 2 U.S.C. 437g(a)(5), (6), and (12), are organized into two tiers; one tier of civil penalties for violations of FECA or chapters 95 and 96 of Title 26, and a higher tier of civil penalties for “knowing and willful” violations of FECA or chapters 95 and 96 of Title 26. Commission regulations in section 111.24 set forth each civil penalty established by section 437g(a)(5), (6) and (12), as adjusted pursuant to the Inflation Adjustment Act.

1. 11 CFR 111.24(a)(1) Violations That Are Not Knowing and Willful

Under the core statutory provisions, the Commission may negotiate a civil penalty, or may institute an action for a civil penalty, or a court may impose a civil penalty, for a violation of FECA or of chapters 95 or 96 of Title 26 that does not exceed the greater of \$5,000 or an amount equal to any contribution or expenditure involved in the violation. 2 U.S.C. 437g(a)(5)(A), (6)(A) and (6)(B). The \$5,000 civil penalty amount was increased to \$5,500 when section 111.24(a) was promulgated in 1997.⁶

⁶The Inflation Adjustment Act provides that the first adjustment to a civil penalty may not exceed ten percent of the penalty. Thus, the 1997 increase to the \$5,000 civil penalty was limited to ten percent of \$5,000, or \$500, and this penalty was increased to \$5,500.

1997 Civil Penalty Adjustment E&J at 11316.

At this time, to determine the appropriate COLA to apply to the \$5,500 amount, the Commission uses the CPI for June of 2004, which is 189.7, and the CPI for June of 1997, which is 160.3.⁷ The COLA is determined by dividing the CPI for June of 2004 (189.7) by the CPI for June of 1997 (160.3), which equals 1.183 ($189.7/160.3 = 1.183$). To obtain the inflation-adjusted civil penalty amount, the \$5,500 amount is multiplied by the COLA of 1.183, which equals \$6,507 ($\$5,500 \times 1.183 = \$6,507$). Thus, the increase is \$1,007 ($\$6,507 - \$5,500 = \$1,007$). The amount of the increase is subject to the Inflation Adjustment Act rounding rules. Under the rounding rules, where the existing civil penalty is greater than \$1,000 but less than or equal to \$10,000, the increase is rounded to the nearest multiple of \$1,000. Therefore, the amount of the civil penalty increase is rounded to \$1,000. Consequently, section 111.24(a)(1) is amended by adding \$1,000 to the \$5,500 civil penalty to obtain the new inflation-adjusted civil penalty of \$6,500.

2. 11 CFR 111.24(a)(2)(i)—Knowing and Willful Violations

The Commission may seek, or a court may impose, a civil penalty for a “knowing and willful” violation of FECA or of chapters 95 or 96 of Title 26 that does not exceed the greater of \$10,000 or an amount equal to 200% of any contribution or expenditure involved in the violation. 2 U.S.C. 437g(a)(5)(B) and (6)(C). The \$10,000 civil penalty amount was increased to \$11,000 when section 111.24(a) was promulgated in 1997.⁸ 1997 Civil Penalty Adjustment E&J at 11316.

At this time, to obtain the inflation-adjusted civil penalty, \$11,000 is multiplied by the same COLA calculated above, *i.e.*, 1.183. The resulting amount equals \$13,013 ($\$11,000 \times 1.183 = \$13,013$). Thus, the increase is \$2,013 ($\$13,013 - \$11,000 = \$2,013$). Under the rounding rules, where the existing civil penalty is greater than \$10,000 but less than or equal to \$100,000, the increase is rounded to the nearest multiple of \$5,000. Therefore, the amount of the civil penalty increase is rounded to

⁷The base period for the CPI figures is 1982 to 1984. Thus, the price of a basket of goods and services that would have cost \$100 in 1982–1984, rose to \$160.30 in June 1997, and to \$189.70 in June 2004.

⁸As discussed above, the first adjustment to a civil penalty may not exceed ten percent of the penalty. Thus, the 1997 increase to the \$10,000 civil penalty was limited to ten percent of \$10,000, or \$1,000, and this penalty was increased to \$11,000.

zero, and the \$11,000 civil penalty is not changed. Because no changes are being made at this time, the next adjustment will reflect inflationary changes since 1997 rather than 2005.

3. 11 CFR 111.24(a)(2)(ii)—Knowing and Willful Contributions Made in the Name of Another

The Bipartisan Campaign Reform Act of 2002, Public Law 107–155, 116 Stat. 81,108, section 315 (2002) (“BCRA”), increased minimum and maximum civil penalties for knowing and willful violations of the prohibition on contributions made in the name of another in 2 U.S.C. 441f. As revised by BCRA, the civil penalty for such a violation is not less than 300 percent of the amount involved in the violation, and is not more than the greater of \$50,000 or 1,000 percent of the amount involved in the violation. 2 U.S.C. 437g(a)(5)(B) and (6)(C); 11 CFR 111.24(a)(2)(ii). To determine the appropriate COLA to apply to the \$50,000 amount, the Commission uses the CPI for June of 2004, which is 189.7, and the CPI for June of 2002, which is 179.9. The COLA is determined by dividing the CPI for June of 2004 (189.7) by the CPI for June of 2002 (179.9), which equals 1.054 ($189.7/179.9 = 1.054$). To obtain the inflation-adjusted civil penalty, \$50,000 is multiplied by the COLA of 1.054, which equals \$52,700 ($\$50,000 \times 1.054 = \$52,700$). Thus, the increase is \$2,700 ($\$52,700 - \$50,000 = \$2,700$). Under the rounding rules described above, \$2,700 is rounded to \$5,000. Consequently, section 111.24(a)(2)(ii) is amended by adding \$5,000 to the \$50,000 civil penalty to obtain the new inflation-adjusted civil penalty of \$55,000.

4. 11 CFR 111.24(b)—Violations of Confidentiality

Any Commission member or employee, or any other person, who makes public any notification or investigation under 2 U.S.C. 437g without receiving the written consent of the person receiving such notification, or the person with respect to whom such investigation is made, shall be fined not more than \$2,000, except that any such member, employee, or other person who knowingly and willfully violates this provision shall be fined not more than \$5,000. 2 U.S.C. 437g(a)(12)(B). In 1997, the Commission promulgated 11 CFR 111.24(b) to increase the \$2,000 civil penalty to \$2,200, and to increase the \$5,000 civil

penalty to \$5,500.⁹ 1997 Civil Penalty Adjustment E&J at 11317.

For these civil penalties, the appropriate COLA is 1.183. See COLA calculation for civil penalties under 11 CFR 111.24(a)(1), above. To obtain the inflation-adjusted civil penalty for the \$2,200 amount, \$2,200 is multiplied by the COLA of 1.183, which equals \$2,603 ($\$2,200 \times 1.183 = \$2,603$). Thus, the increase is \$403 ($\$2,603 - \$2,200 = \403). Under the rounding rules described above, \$403 is rounded to zero. Thus, the \$2,200 civil penalty remains unchanged. Because no changes are being made at this time, the next adjustment will reflect inflationary changes since 1997 rather than 2005.

To obtain the inflation-adjusted civil penalty for the \$5,500 amount, \$5,500 is multiplied by the COLA of 1.183, equaling \$6,507 ($\$5,500 \times 1.183 = \$6,507$). Thus, the increase is \$1,007 ($\$6,507 - \$5,500 = \$1,007$). Under the rounding rules, the \$1,007 amount is rounded to \$1,000. Consequently, section 111.24(b) is amended by adding \$1,000 to the \$5,500 amount to obtain the new inflation-adjusted civil penalty of \$6,500 for knowing and willful violations of confidentiality.

11 CFR 111.43—Schedules of Penalties

FECA permits the Commission to assess civil penalties for violations of the reporting requirements of 2 U.S.C. 434(a) in accordance with schedules of penalties established and published by the Commission. 2 U.S.C. 437g(a)(4)(C). The schedules of penalties for political committees that file their reports late or that fail to file reports are set out in 11 CFR 111.43, and were last amended in 2003. *Final Rules and Explanation and Justification for Administrative Fines*, 68 FR 12572, 12573–12575 (Mar. 17, 2003). To determine the appropriate COLA to apply to the schedules of penalties for violations of these reporting requirements, the Commission uses the CPI for June of 2004, which is 189.7, and the CPI for June of 2003, which is 183.7. Although applying the COLA of 1.033 ($189.7/183.7 = 1.033$) to all possible civil penalties under the schedules of penalties would result in a slight increase in the civil penalty amounts, the Inflation Adjustment Act rounding rules would round down the increased civil penalty amounts to the current amounts. Consequently, the

formulas in the schedules of penalties in 11 CFR 111.43 are not changed.

However, the Commission is correcting a typographical error in the schedule at section 111.43(a)(2)(iii). Under the column entitled “[I]f the level of activity in the report was,” the level of activity of \$450,000–\$549,999.99 is missing the first instance of the number “4.” Thus, this level of activity is erroneously listed as “\$50,000–549,999.99.” The Commission is correcting this to read “\$450,000–\$549,999.99.”

11 CFR 111.44—Schedule of Penalties for 48-Hour Notices

Principal campaign committees are required to report, within 48 hours of receipt, any contributions of \$1,000 or more that are received after the 20th day, but more than 48 hours before any election. 2 U.S.C. 434(a)(6). FECA permits the Commission to assess civil penalties for violations of this reporting requirement. 2 U.S.C. 437g(a)(4)(C). In 2000, the Commission adopted rules setting forth the civil penalties for failure to file timely notices of these last-minute contributions. *Final Rules and Explanation and Justification for Administrative Fines*, 65 FR 31787, 31793 (May 19, 2000). The amount of the civil penalty for each notice not filed timely is \$100 plus ten percent of the amount of the contribution(s) not timely reported, and is increased for prior violations. 11 CFR 111.44. To determine the appropriate COLA to apply to the \$100 amount, the Commission uses the CPI for June of 2004, which is 189.7, and the CPI for June of 2000, which is 172.4. The COLA is obtained by dividing the CPI for June of 2004 (189.7) by the CPI for June of 2000 (172.4), which equals 1.100 ($189.7/172.4 = 1.100$). To obtain the inflation-adjusted civil penalty amount, \$100 is multiplied by the COLA of 1.100, which equals \$110 ($\$100 \times 1.100 = \110). Thus, the increase is \$10 ($\$110 - \$100 = \10). The Inflation Adjustment Act rounding rules do not change the amount of this increase.¹⁰ Consequently, section 111.44 is amended by adding \$10 to the \$100 civil penalty to obtain the new inflation-adjusted civil penalty of \$110.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

The provisions of the Regulatory Flexibility Act are not applicable to this final rule because the Commission was not required to publish a notice of proposed rulemaking or to seek public comment under 5 U.S.C. 553 or any other laws. 5 U.S.C. 603(a) and 604(a). Therefore, no regulatory flexibility analysis is required.

List of Subjects in 11 CFR Part 111

Administrative practice and procedure, Elections, Law enforcement, and Penalties.

■ For the reasons set out in the preamble, the Federal Election Commission amends subchapter A of chapter I of title 11 of the *Code of Federal Regulations* as follows:

PART 111—COMPLIANCE PROCEDURE (2 U.S.C. 437g, 437d(a))

■ 1. The authority citation for part 111 continues to read as follows:

Authority: 2 U.S.C. 437g, 437d(a), 438(a)(8); 28 U.S.C. 2461 nt.

■ 2. In § 111.24, paragraphs (a)(1), (a)(2)(ii) and (b) are revised to read as follows:

§ 111.24 Civil Penalties (2 U.S.C. 437g(a)(5), (6), (12), 28 U.S.C. 2461 nt.).

(a) * * *

(1) Except as provided in paragraph (a)(2) of this section, in the case of a violation of the Act or chapters 95 or 96 of title 26 (26 U.S.C.), the civil penalty shall not exceed the greater of \$6,500 or an amount equal to any contribution or expenditure involved in the violation.

(2) * * *

(ii) Notwithstanding paragraph (a)(2)(i) of this section, in the case of a knowing and willful violation of 2 U.S.C. 441f, the civil penalty shall not be less than 300% of the amount of any contribution involved in the violation and shall not exceed the greater of \$55,000 or 1,000% of the amount of any contribution involved in the violation.

(b) Any Commission member or employee, or any other person, who in violation of 2 U.S.C. 437g(a)(12)(A) makes public any notification or investigation under 2 U.S.C. 437g without receiving the written consent of the person receiving such notification, or the person with respect to whom such investigation is made, shall be fined not more than \$2,200. Any such member, employee, or other person who knowingly and willfully violates this provision shall be fined not more than \$6,500.

⁹ As discussed above, the first adjustment to a civil penalty may not exceed ten percent of the penalty. Thus, the 1997 increase to the \$2,000 civil penalty was limited to ten percent of \$2,000, or \$200, and this penalty was increased to \$2,200. Similarly, the 1997 increase to the \$5,000 civil penalty was limited to ten percent of \$5,000, or \$500, and this penalty was increased to \$5,500.

¹⁰ Under the rounding rules, where the existing penalty is less than or equal to \$100, the increase is rounded to the nearest multiple of \$10. Therefore, the amount of the penalty increase is rounded to \$10, the same amount as it was prior to application of the rounding rules.

§ 111.43 [Amended]

■ 3. In § 111.43, paragraph (a)(2)(iii) is amended by removing "\$50,000 – \$549,999.99" and adding in its place "\$450,000–549,999.99."

■ 4. In § 111.44, paragraph (a)(1) is revised to read as follows:

§ 111.44 What is the schedule of penalties for 48-hour notices that are not filed or are filed late?

(a) * * *

(1) Civil money penalty = \$110 + (.10 × amount of the contribution(s) not timely reported).

* * * * *

Dated: June 9, 2005.

Scott E. Thomas,

Chairman, Federal Election Commission.

[FR Doc. 05–11790 Filed 6–14–05; 8:45 am]

BILLING CODE 6715–01–P

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

[Docket No. FAA–2005–21433; Directorate Identifier 2005–NM–079–AD; Amendment 39–14123; AD 2005–12–07]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Model A319, A320, and A321 series airplanes. This AD requires a one-time ultrasonic inspection for certain airplanes, and repetitive detailed inspections for all airplanes, for cracking in the forward lug of the support rib 5 fitting of both main landing gear (MLG), and repair if necessary. This AD also provides for optional terminating actions. This AD is prompted by a report of a crack found in the forward lug of the right-hand MLG rib 5 fitting during greasing of both MLG pintle bearings. We are issuing this AD to find and fix cracking in the forward lug of the MLG, which could result in failure of the lug and consequent collapse of the MLG during landing.

DATES: Effective June 30, 2005.

The incorporation by reference of a certain publication listed in the AD is approved by the Director of the Federal Register as of June 30, 2005.

We must receive comments on this AD by August 15, 2005.

ADDRESSES: Use one of the following addresses to submit comments on this AD.

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, room PL–401, Washington, DC 20590.

- Fax: (202) 493–2251.

- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

You can examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, on the plaza level of the Nassif Building, Washington, DC. This docket number is FAA–2005–21433; the directorate identifier for this docket is 2005–NM–079–AD.

Examining the Docket

You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System (DMS) receives them.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2141; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A319, A320, and A321 series airplanes. The DGAC advises that, during greasing of the main

landing gear (MLG) pintle bearings on a Model A320 series airplane, a crack was found in the forward lug of the right-hand MLG rib 5 fitting. The airplane had accumulated 12,634 total flight cycles and 19,710 total flight hours at the time of the findings. Laboratory analysis of the damaged lug revealed that it was fitted with a bushing that had insufficient cadmium plating. Further investigation revealed that certain Airbus Model A319 and A320 series airplanes may have been equipped with bushings from a batch found to have insufficient cadmium plating. The forward lug of the left- and right-hand MLG rib 5 fitting of Airbus Model A319, A320, and A321 series airplanes that do not have Airbus Modification 32025 incorporated could also be susceptible to cracking. These conditions, if not corrected, could result in failure of the lug and consequent collapse of the MLG during landing.

Relevant Service Information

Airbus has issued Service Bulletin A320–57A1136, dated January 26, 2005 (for Model A319 and A320 series airplanes). The service bulletin describes procedures for a one-time ultrasonic inspection for cracking in the forward lug of the support rib 5 fitting of both MLG. The service bulletin recommends contacting the manufacturer for repair instructions if any cracking is found.

The DGAC mandated Service Bulletin A320–57A1136, and a detailed visual inspection as defined in the visual procedures of Airbus A318/A319/A320/A321 Nondestructive Testing Manual (NTM), Chapter 51–90–00, revision dated February 2003; and issued French airworthiness directive F–2005–035, dated March 2, 2005, to ensure the continued airworthiness of these airplanes in France.

Airbus has also issued Service Bulletin A320–57–1118, dated September 5, 2002, and Revision 01, dated August 28, 2003 (for Model A319, A320, and A321 series airplanes). The service bulletins describe procedures for modification of the lugs of the support rib 5 fitting of the left- and right-hand MLG and related investigative and corrective actions if necessary. The modification includes installing new bushings on the lugs of the support rib 5 fitting of the MLG, and applying protective sealant to the bores and spotfaces of the lug. The related investigative and corrective actions include performing a visual inspection for corrosion/damage of the bores and spotfaces of the lug for the pintle pin bushings, and repair if corrosion/damage is found. Accomplishing this