DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–365–AD; Amendment 39–12041; AD 2000–25–07]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, and –200C Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–100, –200, and –200C series airplanes. This action requires repetitive inspections of the aft end of each inboard flap track of the wing outboard flap, and corrective actions, if necessary. This action is necessary to detect and correct damage of the aft end of each flap track, which could result in loss of the outboard trailing edge flap and consequent loss of controllability of the airplane.

DATES: Effective January 2, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 2, 2001.

Comments for inclusion in the Rules Docket must be received on or before February 16, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–365–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. 2000–NM–365–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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined 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.

FOR FURTHER INFORMATION CONTACT: Nenita Odesa, Aerospace Engineer, Airframe Branch, ANM–120S; FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2557; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received a report indicating that cracking of the aft end of an inboard flap track of the wing outboard flap was found on a Model 737–200 series airplane having improved flap tracks installed. The cracking was found during an inspection that was conducted to resolve problems with the trim that occurred during flight. The airplane had accumulated 38,484 flight cycles. The inner and outer webs of the track, as well as the upper and lower flanges, were severed. The only component holding the aft end of the flap track together was the fail-safe bar, which was bolted to the flap track. There was also a small section broken off the upper outboard chord. Further investigation revealed that the cracks were caused by corrosion at the fasteners that attach the fail-safe bar to the inner and outer webs. Such conditions, if not detected and corrected, could result in loss of the outboard trailing edge flap and consequent loss of controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing All Operator Message (AOM) M–7200–00–01854, dated July 27, 2000, which describes procedures for a close (detailed) visual inspection to detect damage (corrosion, cracking) of the aft end of the left- and right-hand inboard flap tracks of the wing outboard flap, and corrective actions. The corrective actions consist of, among other things, repair or rework of any damaged flap tracks.

Explanation of the 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, this AD is being issued to detect and correct damage of the aft end of each flap track at the wing buttock line of the inboard flap track of the wing outboard flap, which could result in loss of the outboard trailing edge flap and consequent loss of controllability of the airplane. This AD requires accomplishment of the inspection and corrective actions specified in the service information described previously, except as discussed below.

Differences Between All Operators Message and This AD

Operators should note that the effectivity listing of the AOM specifies all Boeing Model 737–100 and –200 series airplanes. However, this AD is applicable to certain Boeing Model 737–100, –200, and –200C series airplanes on which the flap tracks have certain Boeing part numbers. The subject flap tracks may have been removed from an airplane and re-installed, without being inspected, on another airplane. Therefore, the FAA finds it necessary to revise the applicability of this AD by limiting the repetitive inspections to only certain Boeing Model 737–100, –200, and –200C series airplanes on which certain flap tracks have been installed.

The AOM specifies a one-time close visual inspection of the aft end of the left- and right-hand inboard flap tracks of the wing outboard flap. This AD requires the applicable inspection to be repeated at intervals not to exceed 1,200 flight cycles, regardless of detection of cracking. The FAA has determined that, because of the safety implications and consequences associated with fracture of the aft end of each inboard flap track of the wing outboard flap, repetitive inspections are necessary.

The AOM references only one flap track part number (P/N) 65–46428–25. The FAA has determined that there are other flap tracks with similar configurations at the aft end that have different P/N's, and those flap tracks would be subject to the same unsafe condition.

Additionally, the AOM specifies that the manufacturer may be contacted for disposition of certain repair conditions, however, this AD requires the repair of those conditions to be accomplished per a method approved by the FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and

opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an 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 2000–NM–365–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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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 adding the following new airworthiness directive:

2000–25–07 Boeing: Amendment 39–12041. Docket 2000–NM–365–AD.

Applicability: Model 737–100, –200, and –200C series airplanes; on which the left- or right-hand inboard flap tracks of the wing outboard flap have a part number (P/N) listed in Table 1 (below) of this AD; certificated in any category.

TABLE 1.—BOEING FLAP TRACKS SUBJECT TO THIS AD

Name	Part Number
Boeing	65–46428–9
	65–46428–15
	65–46428–17
	65–46428–19
	65–46428–21
	65–46428–23
	65–46428–25
	65–46428–27
	65–46428–33
	65–46428–35

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 per paragraph (c) 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 detect and correct damage of the aft end of each inboard flap track of the wing outboard flap, which could result in loss of the outboard trailing edge flap and consequent loss of controllability of the airplane, accomplish the following:

Repetitive Inspections

(a) Do a detailed visual inspection to detect damage (corrosion, cracking) of the aft end of the left- and right-hand inboard flap tracks of the wing outboard flap, per Boeing All Operator Message (AOM) M–7200–00–01854, dated July 27, 2000; at the latest of the times specified in paragraphs (a)(1), (a)(2), and (a)(3) of this AD. Repeat the inspection thereafter at intervals not to exceed 1,200 flight cycles.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(1) Within 30 days after the effective date of this AD.

(2) Within 1,200 flight cycles after the last documented inspection or overhaul of the aft end of each flap track.

(3) Before the accumulation of 15,000 total flight cycles.

Corrective Actions

(b) If any damage (corrosion, cracking) is detected, before further flight, repair or rework the flap track per the ''Repair and Rework Instructions'' specified in Boeing AOM M–7200–00–01854, dated July 27, 2000. Where the AOM specifies that the manufacturer may be contacted for

disposition of certain corrective actions (*i.e.,* repair and/or rework of the flaps), this AD requires such repair and/or rework to be done per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company designated engineering representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

(c) 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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(d) Special flight permits may be issued per §§ 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

(e) Except as provided by paragraph (b) of this AD, the actions shall be done per Boeing All Operator Message M–7200–00–01854, dated July 27, 2000. This incorporation by reference was approved by the Director of the Federal Register per 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. 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.

Effective Date

(f) This amendment becomes effective on January 2, 2001.

Issued in Renton, Washington, on December 5, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–31448 Filed 12–15–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 99–ANM–16]

RIN 2120–AA66

Establishment of Restricted Area, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Restricted Area 3203D (R–3203D) at Orchard, ID. The Idaho Army National Guard has requested that this restricted area be established to support its annual training requirements. This restricted area will be established adjacent to the existing R–3203A and be used for a maximum of three weeks annually.

EFFECTIVE DATE: 0901 UTC, March 22, 2001.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On April 25, 2000, the FAA proposed to establish R–3203D, at Orchard, ID, to provide essential ground maneuvering space to meet the Idaho Army National Guard annual training requirements (65 FR 24141). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received objecting to the proposal. Except for editorial changes, and minor corrections to the Southern boundary of R–3203D, aligning it with the boundary of the existing R–3202A, this amendment is the same as that proposed in the Notice.

The coordinates for this airspace docket are based on North American Datum 83. Section 73.32 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8H dated October 2, 2000.

The Rule

This amendment to 14 CFR part 73 (part 73) establishes R–3203D, Orchard, ID, adjacent to the existing R–3203A to assist the Idaho Army National Guard annual training. The restricted area will be effective for a period of time not exceeding three weeks annually. Expansion in the number of gun batteries assigned to field artillery units, along with requirements that each assigned battery accomplish several moves per day to different firing points, has created the need to expand the available restricted airspace, for a period of time each year, to provide for more effective annual training tests. All artillery firing will be directed into existing impact areas located approximately in the center of R–3203A. This restricted area is needed to provide protected airspace to contain the projectiles during flight between the surface firing point and entry into the existing restricted area.

The restricted area will be utilized for a period of time not exceeding three weeks per year by the Idaho Army National Guard Field Artillery and will be released to the FAA for public use during periods when it is not required for military training.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has reviewed the environmental analysis contained within the Army National Guard Supplemental Environmental Assessment for the fielding of the Paladin Weapon System at Orchard Training Area. We find it provides the requisite update of the environmental conditions presented in the Army National Guard Environmental Impact Statement (ARNG EIS) dated August 1988 entitled ''Orchard Training Areas; Birds of Prey Advisory Committee; Endangered Species Survey.''

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows: