

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-277-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 removing amendment 39-11826 (65 FR 44977, July 20, 2000), and by adding a

new airworthiness directive (AD), amendment 39-11877, to read as follows:

**2000-17-51 Boeing:** Amendment 39-11877. Docket 2000-NM-277-AD. Supersedes AD 2000-13-51, Amendment 39-11826.

**Applicability:** Model 737-200 and -300 series airplanes equipped with a main deck cargo door installed in accordance with Supplemental Type Certificate (STC) SA2969SO, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise 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 (b) 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 cracking of the lower portion of the main deck cargo door frames, which could result in sudden depressurization, loss or opening of the main deck cargo door during flight, and loss of control of the airplane, accomplish the following:

#### One-Time Inspection and Corrective Action, If Necessary

(a) Within 7 days after the effective date of this AD, perform a one-time high frequency eddy current inspection to detect cracks of the lower frames and reinforcing angles of the main deck cargo door where the door latch fittings attach between fuselage station (FS) 361.87 and FS 498.12 and water line (WL) 202.35 and WL 213.00, in accordance with the inspection procedures specified in paragraph 3.D.(1) of the Accomplishment Instructions of Pemco Service Bulletin 737-52-0037, including Attachment 1, dated August 10, 2000. If any crack is detected, prior to further flight, replace the cracked part with a new part having the same part number, in accordance with paragraph 3.D.(2) of the Accomplishment Instructions of the service bulletin.

#### Alternative Methods of Compliance

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

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

### Special Flight Permits

(c) Special flight permits may be issued in accordance with §§ 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

(d) The actions shall be done in accordance with Pemco Service Bulletin 737-52-0037, including Attachment 1, dated August 10, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pemco World Air Services, 100 Pemco Drive, Dothan, AL 36303. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

### Effective Date

(e) This amendment becomes effective on August 30, 2000, to all persons except those persons to whom it was made immediately effective by emergency AD 2000-17-51, issued on August 14, 2000, which contained the requirements of this amendment.

Issued in Renton, Washington, on August 18, 2000.

**Donald L. Riggins,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 00-21614 Filed 8-24-00; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NM-289-AD; Amendment 39-11879; AD 2000-17-05]

**RIN 2120-AA64**

### Airworthiness Directives; Boeing Model 767-200, -300, and -300F 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 767-200, -300, and -300F series airplanes. This action requires a functional check of the shear rivets in all six elevator power control actuator (PCA) bellcrank assemblies to determine the condition of the shear rivets, and replacement or rework of the bellcrank assemblies, if

necessary. This action is necessary to detect and correct any failed or partially yielded shear rivets of the elevator PCA bellcrank assemblies. Failure of two bellcrank assemblies on one side can result in that single elevator surface moving to a hardover position independent of pilot command resulting in a significant pitch upset recoverable by the crew. Failure of three bellcrank assemblies on one side may result in loss of controllability of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Effective September 11, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 11, 2000.

Comments for inclusion in the Rules Docket must be received on or before October 24, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000 NM 289-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 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-iarccomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-289-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:** Kenneth Fairhurst, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1118; fax (425) 227-1181.

**SUPPLEMENTARY INFORMATION:** The FAA has received reports that elevator bellcrank assemblies with failed shear rivets have been found on three Boeing Model 767 series airplanes. On one

airplane, the failed shear rivets were found in both the left inboard and left center power control actuator (PCA) bellcrank assemblies. Investigation revealed that the left center PCA had been replaced two weeks earlier. The bellcrank shear rivets are designed to shear if a jam occurs and an input of approximately 50 pounds above normal feel forces is applied to the elevator system.

Further testing by the manufacturer revealed that the single system hydraulic test of the elevator, which is mandated by a Certification Maintenance Requirement, may not detect failed shear rivets in an elevator bellcrank assembly. Failure of two bellcrank assemblies on one side can result in that single elevator surface moving to a hardover position independent of pilot command resulting in a significant pitch upset recoverable by the crew. Failure of three bellcrank assemblies on one side may result in loss of controllability of the airplane.

The FAA has received no factual information that indicates that this incident is related to an accident that occurred off the coast of Massachusetts involving a Boeing Model 767 series airplane. The cause of that accident is still under investigation.

#### **Explanation of Relevant Service Information**

The FAA has reviewed and approved Boeing Alert Service Bulletin 767-27A0166, dated August 17, 2000. That alert service bulletin describes procedures for a functional check of the shear rivets on all six elevator PCA bellcrank assemblies to determine the condition of the shear rivets. (The functional check entails, in part, inserting a pin into the center of the shear rivets and measuring the penetration depth of the pin.) The alert service bulletin also describes eventual replacement of the bellcrank assemblies with new or serviceable bellcrank assemblies if the penetration depth of the pin is 0.35 inch or more, but less than 0.50 inch; and, prior to further flight, rework or replacement of the bellcrank assemblies with new or serviceable bellcrank assemblies if the penetration depth of the pin is less than 0.35 inch. The alert service bulletin specifies repeating the functional check after any installation of a new or serviceable bellcrank assembly to ensure that the reworked or new bellcrank assembly is still in good condition after installation. Additionally, the alert service bulletin specifies that, if one or more bellcrank shear rivets have a penetration depth of the pin of less than 0.50 inch, the operator should send a

report (provided in the alert service bulletin) to the manufacturer.

#### **Explanation of the Requirements of the Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 767 series airplanes of the same type design, this AD is being issued to detect and correct any failed or partially yielded shear rivets of the PCA elevator bellcrank assembly. Failure of two bellcrank assemblies on one side can result in that single elevator surface moving to a hardover position independent of pilot command resulting in a significant pitch upset recoverable by the crew. Failure of three bellcrank assemblies on one side may result in loss of controllability of the airplane, which could result in an elevator hardover and consequent reduced controllability or loss of controllability of the airplane. Except as described below, the actions are required to be accomplished in accordance with the alert service bulletin described previously.

#### **Differences Between Proposed Rule and Service Bulletin**

Operator should note that where requirements appear in this final rule that are different from the Boeing alert service bulletin, this AD prevails.

Operators should note that, although the alert service bulletin requests that operators send the completed PCA Elevator Bellcrank Assembly Shear Rivet Inspection Report (provided in the alert service bulletin) to the manufacturer, this AD requires that the report be sent to the FAA.

#### **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-289-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:

**2000-17-05 Boeing:** Amendment 39-11879. Docket 2000-NM-289-AD.

**Applicability:** Model 767-200, -300, and -300F series airplanes, with Line Numbers 1 through 800 inclusive; 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 (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 any failed or partially yielded shear rivets of the elevator power control actuator (PCA) bellcrank assembly, which could result in (1) failure of two bellcrank assemblies on one side of the airplane and consequent movement of the single elevator to a hardover position independent of pilot command, resulting in a significant pitch upset recoverable by the crew; or (2) failure of three bellcrank assemblies on one side and consequent loss

of controllability of the airplane; accomplish the following:

(a) Within 30 days after the effective date of this AD, perform a functional check of one shear rivet in all six elevator PCA bellcrank assemblies to determine the condition of the shear rivets; in accordance with Paragraph 3, Accomplishment Instructions, of Boeing Alert Service Bulletin 767-27A0166, dated August 17, 2000.

(1) If all penetration depths when measured per Figure 2 of the alert service bulletin are 0.50 inch or more, no further action is required by this AD.

(2) If any penetration depth when measured per Figure 2 of the alert service bulletin is 0.35 inch or more, but less than 0.50 inch, rework or replace the bellcrank assembly with a new or serviceable bellcrank assembly within 400 flight hours after accomplishing the functional check. After installation of a new or serviceable bellcrank assembly, prior to further flight, repeat the functional check of all the bellcrank assemblies to make sure the rivets are still in good condition (as specified in the alert service bulletin) after installation, in accordance with Figure 2 of the alert service bulletin.

(3) If any penetration depth when measured per Figure 2 of the alert service bulletin is less than 0.35 inch, prior to further flight, rework or replace the bellcrank assembly with a new or serviceable bellcrank assembly. After installation of a new or serviceable bellcrank assembly, and prior to further flight, repeat the functional check of all the bellcrank assemblies to make sure the rivets are still in good (as specified in the alert service bulletin) condition after installation, in accordance with Figure 2 of the alert service bulletin.

(b) If one or more bellcrank shear rivets have a measured penetration depth of less than 0.50 inch, within 10 days after performing the initial functional check required by paragraph (a) of this AD: Submit a copy of the completed PCA Elevator Bellcrank Shear Rivet Inspection Report, as provided in Boeing Alert Service Bulletin 767-27A0166, dated August 17, 2000, to the following address: Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; fax (425) 227-1181.

### 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 2:** 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 in accordance with §§ 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 in accordance with Boeing Alert Service Bulletin 767-27A0166, dated August 17, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 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.

(f) This amendment becomes effective on September 11, 2000.

Issued in Renton, Washington, on August 18, 2000.

**John J. Hickey,**

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

[FR Doc. 00-21616 Filed 8-24-00; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 00-AGL-18]

#### Modification of Class E Airspace; Frankfort, MI

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

**ACTION:** Final rule.

**SUMMARY:** This action modifies Class E airspace at Frankfort, MI. An Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 15, and an RNAV SIAP to Runway 33, have been developed for Frankfort Dow Memorial Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing these approaches. This action increases the radius of the existing controlled airspace for Frankfort Dow Memorial Airport.

**EFFECTIVE DATE:** 0901 UTC, November 30, 2000.

**FOR FURTHER INFORMATION CONTACT:** Denis C. Burke, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone (847) 294-7568.

**SUPPLEMENTARY INFORMATION:**

#### History

On Friday, June 16, 2000, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Frankfort, MI (65 FR 37727). The proposal was to modify controlled airspace extending upward from 700 feet above the surface to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

#### The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Frankfort, MI, to accommodate aircraft executing instrument flight procedures into and out of Frankfort Dow Memorial Airport. The area will be depicted on appropriate aeronautical charts.

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.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959-1963 Comp., p. 389.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

\* \* \* \* \*

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### AGL MI E5 Frankfort, MI [Revised]

Frankfort Dow Memorial Airport, MI (Lat. 44°37'30" N., long. 86°12'02" W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Frankfort Dow Memorial Airport.

\* \* \* \* \*

Issued in Des Plaines, Illinois on August 7, 2000.

**Christopher R. Blum,**

*Manager, Air Traffic Division.*

[FR Doc. 00-21814 Filed 8-24-00; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 00-AGL-19]

#### Establishment of Class E Airspace; Soldiers Grove, WI

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Soldiers Grove, WI. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 11, and a GPS SIAP to Runway 29, have been developed for Leeward Farm Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing these approaches. This action creates controlled airspace for Leeward Farm Airport.