

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

Donald L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-111-AD; Amendment 39-11745; AD 2000-10-21]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737 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 series airplanes. This action requires a one-time general visual inspection of the seat locks and seat tracks of the flightcrew seats to ensure that the seats lock in position and to verify that lock nuts and bolts of adequate length are installed on the rear tracklock bracket, and corrective action, if necessary. This action is necessary to prevent uncommanded movement of the flightcrew seats during acceleration and take-off of the airplane, which could result in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective June 12, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 12, 2000.

Comments for inclusion in the Rules Docket must be received on or before July 25, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-111-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-111-AD" in the subject line and need not be submitted in triplicate.

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: Keith Ladderud, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227-2780; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION: The FAA has received reports indicating instances of the pilot seat sliding to the aft-most position during acceleration and take-off on certain Boeing Model 737 series airplanes. Investigation revealed that the screws attaching the rear tracklock bracket to the seat track had broken, allowing excessive lateral movement and disengagement of the locking pin from the floor-mounted seat track. A disengaged locking pin can cause misalignment of the seat tracks. Such misalignment of the seat tracks, if not corrected, could result in uncommanded movement of the flightcrew seats during acceleration and take-off of the airplane, which could result in reduced controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 737-25A1363, dated November 5, 1998, which describes procedures for a one-time general visual inspection of the seat locks and seat tracks of the flightcrew seats to ensure that the seats lock in position and to verify that lock nuts and bolts of adequate length are installed on the rear tracklock bracket. If lock nuts and bolts of adequate length are not installed on the rear tracklock bracket, the service bulletin describes installation of lock nuts and bolts of adequate length on the tracklock bracket, and re-alignment of the seat tracks. Accomplishment of the actions specified in the alert service bulletin is intended to adequately address the identified unsafe condition.

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 737 series airplanes of the same type design, this AD is being issued to prevent uncommanded movement of the flightcrew seats during acceleration and take-off of the airplane, and consequent reduced controllability of the airplane. This AD requires a one-time general visual inspection of the seat locks and seat tracks of the flightcrew seats to ensure that the seats lock in position and to verify that lock nuts and bolts of adequate length are installed on the rear tracklock bracket, and corrective action, if necessary. The actions are required to be accomplished in accordance with the alert service bulletin described previously, except as discussed below.

Difference Between Alert Service Bulletin and This AD

Operators should note that, although the alert service bulletin recommends accomplishment of the actions as soon as manpower and materials are available, the FAA has determined that a 90-day compliance time would address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the actions. In light of all of these factors, the FAA finds a 90-day compliance time for completion of the actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

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-111-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:

2000-10-21 BOEING: Amendment 39-11745. Docket 2000-NM-111-AD. *Applicability:* Model 737-300, -400, and -500 series airplanes equipped with IPECO flightcrew seats; as listed in Boeing Alert Service Bulletin 737-25A1363, dated November 5, 1998; 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 (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 prevent uncommanded movement of the flightcrew seats during acceleration and take-off of the airplane, accomplish the following:

One-Time Inspection

(a) Within 90 days after the effective date of this AD, perform a one-time general visual inspection of the seat locks and seat tracks of the flightcrew seats to ensure that the seats lock in position and to verify that lock nuts and bolts of adequate length are installed on the rear tracklock bracket, in accordance with Boeing Alert Service Bulletin 737-25A1363, dated November 5, 1998.

(1) If the seat lock pin fully engages in all lock positions of the seat track, and the rear tracklock bracket is correctly installed, no further action is required by this AD.

General Visual Inspection

Note 2: For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

Corrective Action

(2) If the seat lock pin does not fully engage in all positions of the seat track, and lock nuts and bolts of adequate length are not installed on the rear tracklock bracket, prior to further flight, install lock nuts and bolts of adequate length on the tracklock bracket and realign the seat tracks, in accordance with the alert 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, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. 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

(c) 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

(d) The actions shall be done in accordance with Boeing Alert Service Bulletin 737-25A1363, dated November 5, 1998. 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.

(e) This amendment becomes effective on June 12, 2000.

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

Donald L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-CE-27-AD; Amendment 39-11746; AD 2000-10-22]

RIN 2120-AA64

Airworthiness Directives; REVO, Incorporated Models Lake LA-4, Lake LA-4A, Lake LA-4P, Lake LA-4-200, and Lake Model 250 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain REVO, Incorporated (REVO) Models Lake LA-4, Lake LA-4A, Lake LA-4P, Lake LA-4-200, and Lake Model 250 airplanes. This AD requires you to: inspect the left and right wing upper and lower spar doublers for cracks; replace any cracked parts; and incorporate a modification kit. This AD is the result of a report of a fatigue crack found at the second most inboard wing attachment bolt hole on one of the affected airplanes. Similar fatigue cracking has since been reported on seven more of the affected airplanes, including incidents where the fatigue cracking occurred on airplanes with less than 500 hours time-in-service (TIS). The actions specified by this AD are intended to detect and correct cracks in the wing spars, which could result in the wing separating from the airplane with consequent loss of control.

DATES: This AD becomes effective on June 20, 2000.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation as of June 20, 2000.

The Federal Aviation Administration (FAA) must receive any comments on this rule on or before July 28, 2000.

ADDRESSES: Submit comments in triplicate to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-CE-27-AD, 901 Locust, Room 506, Kansas City, Missouri 64106.

You may get the service information referenced in this AD from REVO, Incorporated, P.O. Box 312, One High Street, Sanford, Maine 04073. You may examine this information at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-CE-27-AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Noll, Aerospace Engineer, FAA, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (781) 238-7160; facsimile: (781) 238-7199.

SUPPLEMENTARY INFORMATION:

Discussion

What Caused This AD?

This AD is the result of a report of fatigue cracks that were found at the second-most inboard wing attachment bolt hole on a REVO Lake Model 250 airplane. The cracks were detected during wing repair where the wing spar and wing skin were disassembled. Further analysis indicated that the cracks initiated at a machined notch at the flange termination point of the spar cap.

The REVO Models Lake LA-4, Lake LA-4A, Lake LA-4P, and Lake LA-4-200 airplanes are of the same type design as the Lake Model 250 airplanes. Fatigue cracking similar to that of the above-referenced report has been found on seven more of these airplanes.

What Is the Potential Impact If FAA Took No Action?

Cracks in the wing spars, if not detected and corrected in a timely manner, could result in the wing separating from the airplane with consequent loss of control.

Has FAA Taken Any Action to This Point?

We issued a notice of proposed rulemaking (NPRM) to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain REVO Models Lake LA-4, Lake LA-4A, Lake LA-4P, Lake LA-4-200, and Lake Model 250

airplanes. We published this NPRM in the **Federal Register** on October 6, 1999 (64 FR 54234). The NPRM proposed to require you to accomplish the following:

- Inspect the left and right wing upper and lower spar caps and doublers for cracks;
- Replace any cracked parts;
- Incorporate a modification kit if damaged past a certain level; and
- Report the results of the inspection to FAA.

REVO Service Bulletin B-79, dated June 12, 1999, includes the procedures necessary for you to accomplish the proposed inspection and modification.

Was the Public Invited To Comment?

The FAA offered interested persons the opportunity to participate in the making of this amendment. The following paragraphs present the comments received on the NPRM. Also included is FAA's response to each comment, including any changes incorporated into the final rule based on the comments.

Comment Issue No. 1: Wing Spar Cracking Does Not Warrant AD Action

What are the Commenters' Concerns?

Numerous commenters question FAA's justification for issuing an AD. Several commenters do not believe our service difficulty database provides accurate information. A few commenters recommend that we conduct additional research on the cause of the wing spar cracks and determine if the cracks are unique to a particular configuration of the affected airplanes. Other commenters propose various causes of the cracks, including:

- Installation of auxiliary fuel tanks in the wing floats;
- Increased braking power in the Model Lake LA-4-200 and Lake Model 250 airplanes; and
- The presence of corrosion.

What is FAA's Response to the Concerns? We do not concur that the AD is not justified. We began our investigation of the wing spar cracks on the affected airplanes when the Australian Civil Aviation Safety Authority reported cracks in both the spar cap and doubler in the lower spar of a Lake Model 250 airplane. We then received several reports of similar cracking from personnel of maintenance and repair facilities that were working on the affected airplanes. Reports indicated that both the upper and lower spars were cracked. These subsequent reports did not specify corrosion damage. All of the wing spar cracks initiated at a machined notch at the flange termination point of the spar cap