

## Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

## List of Subjects in 14 CFR Part 39

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

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**2001-12-10 Boeing:** Amendment 39-12265. Docket 2000-NM-303-AD.

**Applicability:** Model 777-200 series airplanes, line numbers (L/N) 1 through 9 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 prevent fracture of the inboard support structure of the flaperon, which could result in an in-flight loss of the inboard flaperon, structural damage, and consequent reduced controllability of the airplane, accomplish the following:

#### Repetitive Inspections

(a) Before the accumulation of 4,000 total flight cycles, or within 90 days after the effective date of this AD, whichever occurs later: Do a detailed visual and an ultrasonic inspection of the lower flange of the flaperon inboard support to find cracks, per Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 777-57A0036, dated June 24, 1999.

(1) If no cracking is found: Repeat the applicable inspections thereafter at intervals not to exceed 300 flight cycles until accomplishment of the terminating action specified in paragraph (b) of this AD.

(2) If any cracking is found, before further flight, do the terminating action required by paragraph (b) of this AD, except, where the service bulletin specifies to contact Boeing for instructions, before further flight, repair 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 approval letter must specifically reference this AD.

#### Terminating Action

(b) On or before the accumulation of 8,000 total flight cycles, or within 1,200 flight cycles after the effective date of this AD, whichever occurs later: Do the terminating action (a high frequency eddy current inspection to find cracks of the aft holes that attach the failsafe strap to the lower flange, oversizing of the holes if cracks are found, and installation of a failsafe strap), per Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 777-57A0036, dated June 24, 1999. Accomplishment of this paragraph terminates the repetitive inspections required by paragraph (a) of 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 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 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

(e) Except as provided by paragraph (a)(2) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 777-57A0036, dated June 24, 1999. 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.

#### Effective Date

(f) This amendment becomes effective on July 20, 2001.

Issued in Renton, Washington, on June 6, 2001.

**Donald L. Riggan,**

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

[FR Doc. 01-14725 Filed 6-14-01; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NM-116-AD; Amendment 39-12263; AD 2001-12-08]

RIN 2120-AA64

#### Airworthiness Directives; Boeing Model 767 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that requires removing the two existing escape ropes in the flight compartment; installing new escape ropes, bags, and placards; and replacing the nylon straps with new straps; as applicable. This action is necessary to ensure that flight crew members safely reach the ground from a flight compartment window in the event of an emergency evacuation. This action is intended to address the identified unsafe condition.

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

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 20, 2001.

**ADDRESSES:** 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Jim Cashdollar, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2785; fax (425) 227-1181.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes was published in the **Federal Register** on January 16, 2001 (66 FR 3515). That action proposed to require removing the two existing escape ropes in the flight compartment; installing new escape ropes, bags, and placards; and replacing the nylon straps with new straps; as applicable.

#### Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

#### Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

There are approximately 321 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 136 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$4,718 per airplane. Based on these figures, the cost

impact of the AD on U.S. operators is estimated to be \$649,808, or \$4,778 per airplane.

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

#### Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

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

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

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**2001-12-08 Boeing:** Amendment 39-12263. Docket 2000-NM-116-AD.

*Applicability:* Model 767 series airplanes, as listed in Boeing Alert Service Bulletin 767-25A0265, dated May 27, 1999; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 ensure that flight crew members safely reach the ground from a flight compartment window in the event of an emergency evacuation, accomplish the following:

Replacement  
(a) Within 18 months after the effective date of this AD, do the actions specified in paragraphs (a)(1) and (a)(2) of this AD, as applicable, per Boeing Alert Service Bulletin 767-25A0265, dated May 27, 1999.

(1) For all airplanes: Remove the two existing escape ropes and install new escape ropes, bags, and placards, as applicable, in the flight compartment.

(2) For airplanes having serial numbers 1 through 107 inclusive; on which Boeing Service Bulletin 767-25-0149, dated March 7, 1991 has been accomplished; or on which neither Boeing Service Bulletin 767-25-0149, dated March 7, 1991, nor 767-25A0242, dated October 31, 1996, has been accomplished: Replace the nylon straps with new straps.

#### 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. 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

(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 767-25A0265, dated May 27, 1999. 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.

**Effective Date**

(e) This amendment becomes effective on July 20, 2001.

Issued in Renton, Washington, on June 6, 2001.

**Donald L. Riffin,**

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

[FR Doc. 01-14723 Filed 6-14-01; 8:45 am]

**BILLING CODE 4910-13-U**

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

[Docket No. 2000-NE-22-AD; Amendment 39-12261; AD 2001-12-06]

**RIN 2120-AA64**

**Airworthiness Directives; General Electric Company (GE) CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 Turbofan Engines**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), that is applicable to GE CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 turbofan engines with No. 5 bearing rotating air seal part number (P/N) 4019T60G01 installed. This amendment requires initial and repetitive checks of the magnetic chip detector indicators, which are located in the lubrication system for the engine bearings, and installation of an improved No. 5 bearing rotating air seal as a terminating action. This amendment is prompted by a report of the failure of a No. 5 bearing rotating air seal that led to a fire in the cavity of the low pressure turbine (LPT), overtemperature of the LPT turbine disk, and excessive turbine disk growth. The actions specified by this AD are intended to prevent No.5 bearing rotating air seal failures and possible uncontained engine failures.

**DATES:** Effective date July 20, 2001.

**ADDRESSES:** Information regarding this action may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

**FOR FURTHER INFORMATION CONTACT:** Eugene Triozzi, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone: (781) 238-7148, fax: (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to GE CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 engines was published in the **Federal Register** on February 27, 2001 (66 FR 12443). That action proposed to require initial and repetitive checks of magnetic chip detector indicators, which are located in the lubrication system for the engine bearings, in order to detect No. 5 bearing roller distress before air seal failure, and installation of a new modified design No. 5 bearing rotating air seal, P/N 4019T60G03, as terminating action for the repetitive inspection requirements of this AD.

**Comments**

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

**Requests To Eliminate Repetitive Inspection Requirements**

Three commenters request that the repetitive inspection requirements be eliminated from the AD. The commenters state that they are already performing the inspections based upon recommendations from the manufacturer. The FAA does not agree. Although these individual commenters may already be complying with the proposed requirements, the FAA has determined that an unsafe condition exists that warrants requiring all operators to conduct mandatory repetitive inspections, until the terminating actions are accomplished. Therefore, the FAA must issue an AD to require repetitive inspections, regardless of the manufacturer's recommendations.

**Requests To Change Compliance Time for Initial Inspections**

Two commenters request that the time to comply with the initial inspection requirements be increased from 30 hours after the effective date of the proposed AD to 100 hours after the effective date, for CF34-1A, -3A, and -3A2 engines. The commenters feel that

a 100-hour initial inspection provides an acceptable level of safety based on risk analysis conducted by the type certificate holder, and will reduce the economic burden on operators. The FAA agrees. Further review of risk analysis data supports that an acceptable level of safety would result with a 100-hour initial inspection threshold rather than a 30-hour initial inspection threshold. Therefore, the FAA has changed the initial inspection compliance time for CF34-1A, -3A, and -3A2 engines to "100 flight hours from the effective date of this AD."

**Requests To Change Compliance Time for CF34-3B Repetitive Inspections**

One commenter requests that the time to comply with the repetitive inspection requirements be increased from an interval of 30 hours to an interval of 100 hours for CF34-3B engines. The commenter states that the extended time will reduce the economic impact on the commenter due to additional maintenance requirements, and make the CF34-3B inspection requirements the same as the CF34-3A inspection requirements. The FAA does not agree. Risk analysis data used by the FAA to establish the AD requirements shows that an unacceptable level of safety would result from increasing the inspection interval from 30 flight hours to 100 flight hours for the CF34-3B engine fleet.

**Requests To Clarify Who May Perform Maintenance Actions**

One commenter requests that the wording of the AD be revised to reflect that the pilot may do the check, but a maintenance technician must do any required maintenance actions. Additionally, the same commenter and another commenter, request that the AD be revised to clarify that on CF34-1A, -3A, and -3A2 turbofan engines, chip detector checks are maintenance actions and are not to be performed by flight crew. CF34-1A, -3A, and -3A2 turbofan engine models have individual chip detectors. Those chip detectors are checked with an ohmmeter, unlike the CF34-3A1, -3B, and -3B1 engine models, which have a single master chip detector with a white triangle or illuminated indicator. The FAA agrees. The intent of the AD is to allow chip detector indicator checks to be done by the pilot for engine models with the master chip detector installation. Although the proposed AD would not have authorized the pilot to do any task beyond a visual check of the indicator, the FAA agrees that additional clarity is needed. Therefore, the FAA has revised