

(e) Except as provided by paragraph (b) of this AD, the replacement shall be done in accordance with Dowty Aerospace Los Angeles Service Bulletin 1150-27-04, dated December 5, 1996. 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 Dowty Aerospace Los Angeles, 1700 Business Center Drive, Duarte, California 91010-2859. 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 January 20, 1998.

Issued in Renton, Washington, on December 8, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-32590 Filed 12-12-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-259-AD; Amendment 39-10247; AD 97-26-04]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 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 all Boeing Model 737-100, -200, -300, -400, and -500 series airplanes. This amendment requires a one-time inspection to determine if certain ailerons are installed on the airplane. This amendment also requires removing any defective aileron, scrapping it, and replacing it with a new or serviceable aileron. This amendment is prompted by reports of failure of the aileron due to an inappropriate repair procedure. The actions specified in this AD are intended to detect and correct defective ailerons, which could result in in-flight separation of an aileron from the airplane and consequent reduced controllability of the airplane.

DATES: Effective December 30, 1997.

Comments for inclusion in the Rules Docket must be received on or before February 13, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation

Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-259-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Information concerning this amendment may be obtained from or examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Greg Schneider or Nenita Odesa, Aerospace Engineers, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2028 or (425) 227-2557; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION: The FAA has received two reports of failure of the aileron on Boeing Model 737 series airplanes. In one incident, a two-foot section of an aileron separated from the airplane during descent, which resulted in vibration of the flight controls. In the second incident, 30 percent of an aileron separated from the airplane during climb. The flightcrew had to input a significant amount of trim to straighten the wings to a level position prior to landing. This airplane had accumulated 34 flight cycles since its ailerons were rebuilt by Tramco Inc. (doing business as BFGoodrich (BFG) Aerospace, Repair Station HN6R593N).

Investigation revealed that the cause of these failures has been attributed to an inappropriate repair procedure accomplished by BFG Aerospace. During the process of rebuilding ailerons, part number 65-46454-XX, for Boeing Model 737-100, -200, -300, -400, and -500 series airplanes, BFG Aerospace did not use proper procedures in the preparation of the aileron surface prior to the lay-up of the skin panel. As a result, the contact surface between the skin and core did not provide adequate adhesion properties for the bonded skin panel.

BFG Aerospace has not located all of the defective ailerons and has not provided documentation which verifies removal of the defective ailerons from service.

Defective ailerons that are installed on an airplane, if not detected and corrected, could result in in-flight separation of an aileron from the airplane, which could result in reduced controllability of the airplane.

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-

100, -200, -300, -400, and -500 series airplanes of the same type design, this AD is being issued to detect defective ailerons installed on an airplane, which could result in in-flight separation of an aileron from the airplane and consequent reduced controllability of the airplane. This AD requires a one-time visual inspection to determine if certain ailerons are installed on the airplane. This AD also requires removing any defective aileron, scrapping it, replacing it with a new or serviceable aileron, and submitting an inspection report to the FAA, if necessary.

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.

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 97-NM-259-AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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, 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:

97-26-04 Boeing: Amendment 39-10247. Docket 97-NM-259-AD.

Applicability: All Model 737-100, -200, -300, -400, and -500 series airplanes, 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 (d) 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 defective ailerons installed on an airplane, which could result in in-flight separation of an aileron from the airplane and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 60 days after the effective date of this AD, perform a one-time visual inspection to determine if an aileron repaired by Tramco Inc. (doing business as BFGoodrich Aerospace, Repair Station HN6R593N) having any of the following serial numbers is installed on the airplane:

Affected Serial Numbers

BN23
BN49
BN56
BN59
BN167
BN180
BN206
BN236
162
237

(b) If any aileron is found with an affected serial number identified in paragraph (a) of this AD, accomplish paragraphs (b)(1) and (b)(2) of this AD.

(1) Prior to further flight, remove the defective aileron, and replace it with a new or serviceable aileron. And

(2) Within 10 days after accomplishing the inspection required by paragraph (a) of this AD, submit a report of any findings of ailerons specified in paragraph (a) of this AD to the Manager, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2028; fax (425) 227-1181. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(c) As of the effective date of this AD, no person shall install on any airplane an aileron having any serial number identified in paragraph (a) of this AD.

(d) 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.

(e) 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.

(f) This amendment becomes effective on December 30, 1997.

Issued in Renton, Washington, on December 9, 1997.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-32609 Filed 12-12-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-183-AD; Amendment 39-10242; AD 97-25-17]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A320 and A321 series airplanes, that requires a revision to the Airplane Flight Manual (AFM) to include procedures for the flightcrew to follow in the event of radio altimeter height malfunction. This amendment also requires replacement of certain radio altimeter antennas with improved antennas, at which time the AFM revision will no longer be required. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent output of erroneous radio altimeter height information to the flightcrew and autopilot, which could result in reduced ability of the flightcrew to cope with adverse operating conditions.

DATES: Effective January 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 20, 1998.

ADDRESSES: The service information referenced in this AD may be obtained