

bulletin and in accordance with Boeing Service Bulletin 727-32-0364, dated December 15, 1988, or Revision 1, dated October 19, 1989. As an option to the action specified in Step 1 of Figure 3 of Boeing Alert Service Bulletin 727-32A0399, operators may layout a .39-inch minimum radius; or

(2) Replace the cracked fitting with a new steel rib fitting in accordance with Part III of the Accomplishment Instructions of Boeing Alert Service Bulletin 727-32A0399, dated July 13, 1995. This replacement constitutes terminating action for the requirements of that AD for that fitting.

(e) For all airplanes on which modification of the actuator rib fitting has been accomplished in accordance with Part II of the Accomplishment Instructions of Boeing Alert Service Bulletin 727-32A0399, dated July 13, 1995; and Boeing Service Bulletin 727-32-0364, dated December 15, 1988, or Revision 1, dated October 19, 1989; Within 7,500 flight cycles after accomplishing the modification, accomplish the following:

(1) Perform either a high frequency eddy current or dye penetrant inspection to detect cracking of the modified actuator rib fitting, in accordance with the alert service bulletin.

(2) Repeat the inspection thereafter at intervals not to exceed 2,500 flight cycles until the fitting is replaced with a new steel rib fitting, in accordance with Part III of the Accomplishment Instructions of the alert service bulletin. This replacement constitutes terminating action for the requirements of this AD for that fitting.

(f) Replacement of aluminum actuator rib fittings with new steel actuator rib fittings in accordance with Part III of the Accomplishment Instructions of Boeing Alert Service Bulletin 727-32A0399, dated July 13, 1995, constitutes terminating action for the requirements of this AD.

(g) 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 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(h) 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.

(i) The actions shall be done in accordance with Boeing Alert Service Bulletin 727-32A0399, dated July 13, 1995. 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.

(j) This amendment becomes effective on March 4, 1997.

Issued in Renton, Washington, on January 14, 1997.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-1440 Filed 1-27-97; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 96-NM-46-AD; Amendment 39-9892; AD 97-02-07]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A300-600 and Model A310 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Airbus Model A300-600 and Model A310 series airplanes, that requires testing to verify if the smoke detection system can detect smoke within 60 seconds; and cleaning the installation and duct, if necessary. It also requires operators to submit a report of the test findings to the manufacturer. This amendment is prompted by a report that, during testing of the smoke detection system on in-service airplanes, the system failed to detect smoke within 60 seconds due to dust accumulation in the extraction ducts. The actions specified by this AD are intended to ensure that dust accumulation does not reduce the effectiveness of the smoke detection system and, consequently, lead to undetected smoke or fire in the lavatory of the airplane.

DATES: Effective March 4, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 4, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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: Charles Huber, Aerospace Engineer,

Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2589; fax (206) 227-1149.

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 Airbus Model A300-600 and Model A310 series airplanes was published in the Federal Register on July 30, 1996 (61 FR 39604). That action proposed to require performing an operational and functional test to verify if the smoke detection system can detect smoke within 60 seconds, and cleaning the installation and duct, if necessary. That action also proposed to require submitting a report of the test results to Airbus.

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

Support for the Proposal

One commenter supports the proposed rule.

Request to Revise Reporting Deadline

One commenter requests that the proposal be revised to extend the compliance time for submitting test reports from 10 days after accomplishing the test, as proposed, to 30 days. The commenter considers the longer time necessary in order to prepare an adequate report of the required data.

The FAA concurs and has revised paragraph (b) of this final rule accordingly.

Request to Withdraw Reporting Requirement

One commenter requests that the FAA withdraw the proposed requirement to submit a report of test results to Airbus. This commenter previously completed the operational and functional tests on its fleet of airplanes, but did not submit a report, since such a provision was not part of the referenced Airbus All Operators Telex (AOT) 26-16, dated September 12, 1995. Consequently, this commenter does not want to be required to repeat the test simply in order to prepare a report in accordance with the reporting requirement of the proposed rule.

Another commenter considers that reporting requirements, in general, should be required by AD action only in cases where the AD is viewed as "interim action" and that, based upon reviewing further data, additional

rulemaking may be required. Since the referenced Airbus AOT was issued more than a year ago, the commenter considers that sufficient time has elapsed in which Airbus could collect the data needed to determine what further action, if any, is needed. The commenter asserts that the FAA should not impose a reporting requirement without first determining with Airbus whether the test data is actually necessary.

The FAA does not concur with the commenters' request to withdraw the reporting requirement. As was explained in the preamble to the notice, the intent of the reports is to enable Airbus to obtain enough information to enable it to develop an appropriate repetitive testing interval based on findings in the in-service fleet. The FAA has contacted Airbus in order to determine if test results from U.S. operators are still required; Airbus has responded by stating that the data from the U.S. operators are still needed to establish the proper testing intervals. In light of this, the FAA finds reason to retain the reporting requirement in this final rule.

However, in consideration of operators who already have accomplished the operational and functional test prior to the issuance of this AD, the FAA has revised paragraph (b) of the final rule to indicate that, for those operators, the report is to be submitted within 30 days after the effective date of the AD. As provided by the compliance provision of this AD, which states “* * * Compliance required unless accomplished previously,” those operators do not have to repeat the one-time operational and functional test, required by paragraph (a) of the AD, merely in order to submit the report.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 67 Airbus Model A300-600 and Model A310 series 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. Based on these figures, the

cost impact of the AD on U.S. operators is estimated to be \$4,020, or \$60 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.

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.

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:

97-02-07 Airbus Industrie: Amendment 39-9892. Docket 96-NM-46-AD.

Applicability: Model A300-600 and Model A310 series airplanes, on which Airbus

Modification 10156 has not been installed; 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 (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 ensure that dust accumulation in the ducts does not reduce the effectiveness of the smoke detection system to detect smoke and, consequently, lead to undetected smoke or fire in the lavatory of the airplane; accomplish the following:

(a) Within 500 flight hours after the effective date of this AD, perform an operational and functional test to verify if the smoke detection system can detect smoke within 60 seconds, in accordance with Airbus All Operators Telex (AOT) 26-16, dated September 12, 1995.

(1) If smoke is detected within 60 seconds, no further action is required by this AD.

(2) If smoke is not detected within 60 seconds, prior to further flight, clean the installation/duct in accordance with the AOT. Prior to further flight after accomplishment of the cleaning, repeat the operational and functional test required by paragraph (a) of this AD.

(b) At the applicable time specified in either paragraph (b)(1) or (b)(2) of this AD, submit a report of the test results (both positive and negative findings) to Airbus Industrie Customer Services, Attention Engineering Support, AI/SE-E23, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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.

(1) For airplanes on which the test is accomplished after the effective date of this AD: Submit the report within 30 days after performing the test required by paragraph (a) of this AD.

(2) For airplanes on which the test has been accomplished prior to the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(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, Standardization Branch, ANM-113, 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, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(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.

(e) The operational and functional test shall be done in accordance with Airbus All Operators Telex (AOT) 26-16, dated September 12, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 15 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. 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 March 4, 1997.

Issued in Renton, Washington, on January 14, 1997.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-1441 Filed 1-27-97; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 96-NM-156-AD; Amendment 39-9901; AD 97-02-16]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737-300, -400, and -500 series airplanes, that requires modification of the system that detects a loss of tension in the cable controlling the flaps by removing the shim from behind the proximity switch and by trimming the switch bracket. This amendment is prompted by reports that the switch bracket can impair the movement of a pulley arm mechanism, ultimately preventing the detection system from operating. The actions specified by this AD are intended to prevent such impairment, which could result in movement of the flaps without action by the pilot, and ultimately cause reduced controllability of the airplane.

DATES: Effective March 4, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 4, 1997.

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: Ken Frey, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227-2673; fax (206) 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 737-300, -400, and -500 series airplanes was published in the Federal Register on September 13, 1996 (61 FR 48435). That action proposed to require removal of the shim behind the proximity switch, if installed; and trimming of the bracket for the proximity switch.

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

Request To Extend Compliance Time

One commenter requests that the compliance time for accomplishment of the modification be extended from the proposed "3,200 flight hours or 18 months" to "4,600 flight hours or 24 months," whichever occurs first after the effective date of the AD. The commenter states that the modification is time-consuming to perform, and the requested extension of the compliance time would allow affected operators to accomplish it during regularly scheduled maintenance ("C" check).

The FAA does not concur. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the availability of required parts and the practical aspect of installing the required modification within an interval of time that parallels normal scheduled maintenance for the majority of affected operators. The FAA

finds that the compliance time, as proposed, represents the average "C" check maintenance interval for the majority of affected operators. Additionally, the FAA does not consider the modification to be especially time-consuming, since it takes only 7 work hours per airplane to perform, and does not entail the need for special tools or parts. In light of these items, the FAA finds the proposed compliance time to be appropriate. However, under the provisions of paragraph (b) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Request To Clarify Description of Required Actions

One commenter requests that the description of the requirement modification of the flap control cable failure detection system be clarified. The commenter points out that the shim to be removed is located behind the proximity switch, rather than behind the bracket for the proximity switch, as was stated in the proposal. Additionally, the commenter suggests that the required action would be clearer if stated as, "trimming of the switch bracket," rather than "trimming of the bracket of the proximity switch."

The FAA concurs that the commenter's suggested changes to the description of the required actions would make the AD clearer. The FAA has made those changes throughout this final rule in the appropriate places.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 1,619 Model 737-300, -400, and -500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 685 airplanes of U.S. registry will be affected by this AD, that it will take approximately 7 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$287,700, or \$420 per airplane.