

Issued in Burlington, Massachusetts, on February 11, 1998.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-04-AD; Amendment 39-10362; AD 98-02-51]

RIN 2120-AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 98-02-51 that was sent previously to all known U.S. owners and operators of Boeing Model 737-300, -400, and -500 series airplanes by individual telegrams. This AD requires a one-time general visual inspection to detect any missing fasteners on the top and bottom of the leading edge skin where it attaches to the front spar of the horizontal stabilizer. This AD also requires a one-time detailed visual inspection to detect any loose or missing fasteners of the attachment of the elevator hinge plates to the horizontal stabilizer rear spar fittings. If a loose or missing fastener is detected, this AD requires installation of a new or serviceable fastener. This action is prompted by reports of loose or missing fasteners of the leading edge structure and elevator attachment fitting of the right-hand horizontal stabilizer. The actions specified by this AD are intended to prevent reduced structural integrity of the horizontal stabilizer due to loose or missing fasteners.

DATES: Effective March 2, 1998, to all persons except those persons to whom it was made immediately effective by telegraphic AD T98-02-51, issued on January 8, 1998, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before April 27, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114,

Attention: Rules Docket No. 98-NM-04-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

FOR FURTHER INFORMATION CONTACT: Gregory L. Schneider, Aerospace Engineer, 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: On January 8, 1998, the FAA issued telegraphic AD T98-02-51, which is applicable to Boeing Model 737-300, -400, and -500 series airplanes.

On December 9, 1997, a Boeing Model 737-300 series airplane operated by Silkair Airlines was involved in an accident after takeoff from Jakarta Soekarno Hatta Airport in Jakarta, Indonesia. The accident is under investigation by the Indonesian authorities with assistance from the National Transportation Safety Board (NTSB) of the United States, the manufacturer, the operator, and other aviation organizations. Although there has been no determination of the cause of the accident, preliminary reports from the on-site accident investigation indicate that the horizontal stabilizer may have separated from the airplane prior to impact in the Musi River. On-site investigation has revealed that approximately 26 fasteners were missing from certain leading edge structure on the right-hand (RH) horizontal stabilizer (12 from the upper surface, and 14 from the lower surface). Additionally, early reports indicated that at least one fastener may have been missing from an elevator attachment fitting in an outboard section of the RH horizontal stabilizer.

Subsequently, there has been a report of evidence that the fastener was actually installed. However, the FAA has received a report that an operator found one loose fastener during inspection of an in-service airplane. (There have been no reports to date of any fasteners missing from the left-hand (LH) horizontal stabilizer.)

There is, as of yet, no evidence linking these missing or loose fasteners to the cause of the accident.

Loose or missing fasteners on the LH or RH horizontal stabilizer could reduce the structural integrity of the horizontal stabilizer.

Because the airplane had been placed in service a relatively short time ago (February 14, 1997), it is possible that the fasteners were missing because they had not been installed during manufacture. If such a quality control

failure occurred on this airplane, it may also have occurred on others produced at approximately the same time.

Explanation of Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, the FAA issued telegraphic AD T98-02-51 to require a one-time general visual inspection to detect any missing fasteners on the top and bottom of the leading edge skin where it attaches to the front spar of the horizontal stabilizer.

This AD also requires a one-time detailed visual inspection to detect any loose or missing fasteners of the attachment of the elevator hinge plates to the horizontal stabilizer rear spar fittings. If a loose or missing fastener is detected, this AD requires installation of a new or serviceable fastener.

In addition, this AD requires that operators submit a report of all inspection findings to the FAA. Since the cause of the missing fasteners of the LH and RH horizontal stabilizer is currently unknown, the intent of the required reports is to enable the FAA to determine how widespread such discrepancies may be in the affected fleet. Because the investigation is continuing, further action may be necessary. This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Publication and Effectivity of AD

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued on January 8, 1998, to all known U.S. owners and operators of certain Boeing Model 737-300, -400, and -500 series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

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 98-NM-04-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:

98-02-51 Boeing: Amendment 39-10362. Docket 98-NM-04-AD.

Applicability: Model 737-300, -400, and -500 series airplanes having line positions 2765 through 2977 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 (e) 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 reduced structural integrity of the horizontal stabilizer due to loose or missing fasteners of the left- or right-hand horizontal stabilizer, accomplish the following:

(a) Within 5 flight cycles or 24 clock hours after the effective date of this AD, whichever occurs later, perform the following inspections of the left- and right-hand sides of the horizontal stabilizer:

(1) Perform a general visual inspection to determine if any fasteners are missing on the top and bottom of the leading edge skin where it is attached to the front spar.

(2) Perform a detailed visual inspection to detect loose or missing fasteners of the attachment of the elevator hinge plates to the left- and right-hand sides of the horizontal stabilizer rear spar fittings. Ensure torque sealant has not been broken on the fasteners.

(b) If no discrepancies are found, no further inspections are required by this AD.

(c) If any fastener is loose or missing, or if the torque sealant has been broken on any fastener, prior to further flight, install a new or serviceable fastener.

(d) Within 5 days after accomplishing the inspections required by this AD, report inspection results, positive or negative, to the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; 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.*) have been assigned OMB control number 2120-0056.

(e) 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 Manager, Seattle ACO.

(f) 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.

(g) This amendment becomes effective on March 2, 1998, to all persons except those persons to whom it was made immediately effective by telegraphic AD T98-02-51, issued on January 8, 1998, which contained the requirements of this amendment.

Issued in Renton, Washington, on February 18, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-ANM-24]

Amendment of Class D Airspace; Twin Falls, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action changes the name of the airport in the Twin Falls, ID, Class D airspace legal description. During a review of Idaho airspace, it was discovered that the airport name Twin Falls-Sun Valley Regional, Joslin Field needs to be updated and changed