

the installation of thin laminated shims at the joint. The holes in the fittings rely on the action of the sleevebolts for alignment. If complete alignment does not occur, the joint could move and cause the shim to delaminate, resulting in the shim migrating away from the joint. Such migration of the shims, if not corrected, could result in cracking of the strut and consequent loss of the strut and engine.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin (ASB) 757-54A0039, Revision 1, dated June 20, 2002. Part I of the Accomplishment Instructions of that ASB describes procedures for performing repetitive detailed inspections of the laminated shims at the joint of the mid-bulkhead and upper link fittings to detect any vertical or horizontal movement of the shims. Part II of the Accomplishment Instructions of the ASB describes follow-on corrective actions (Figure 3 of the ASB) for shims that have migrated within certain limits (e.g., replacing the laminated shims with new solid shims, replacing the existing sleevebolts with new oversized sleevebolts, performing visual and high frequency eddy current inspections (HFEC) to detect cracking and deformation in the sleevebolt holes and in the fittings, and corrective actions if necessary). The ASB recommends that operators contact Boeing if any shims cannot be removed. Additionally, Part III of the Accomplishment Instructions of the ASB describes procedures for performing a one-time HFEC inspection of the bolt holes (Figure 9 of the ASB) in the mid-bulkhead, and describes repair procedures for cracking.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to detect and correct migration of shims at the joint of the mid-bulkhead and the upper link fittings, which could result in cracking of the strut and consequent loss of the strut and engine. This AD requires accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between the ASB and This AD

Revision 1 of the ASB recommends that operators who have accomplished the inspections and actions described in Boeing ASB 757-54A0039, November 2,

2000, perform a one-time non-destructive testing (NDT) and/or HFEC inspection to detect cracking of the mid-bulkhead as shown in Figure 9 of the ASB, and repair if necessary. Operators should note that this AD requires those operators to perform a detailed inspection to detect cracking rather than an NDT and/or HFEC inspection. We have determined that, for airplanes on which the inspections specified in Parts I and II of Boeing ASB 757-54A0039, dated November 2, 2000, have been previously accomplished, a detailed inspection to detect cracks, and repair if necessary, within 90 days of the effective date of this AD, are adequate to continue to provide an acceptable level of safety for this interim action.

Operators also should note that Boeing ASB 757-54A0039, Revision 1, dated June 20, 2002, does not specify procedures for operators to add previously recorded measurements of the shim movement to the current measurement of shim movement. However, this AD requires those actions to ensure that the cumulative or progressive movement is measured and recorded to encompass total movement of the shim.

Additionally, operators also should note that, although the ASB specifies that the manufacturer may be contacted for further instructions if a shim cannot be removed or for disposition of certain repair conditions, this AD requires the repair of those conditions to be accomplished per a method approved by the FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

Interim Action

This is considered to be interim action. We are currently considering requiring HFEC inspections for cracking in and around the bolt holes of the left and right side of the mid-bulkhead strut, and repair if necessary, which would constitute terminating action for the repetitive inspections required by this AD. However, the planned compliance time for the HFEC inspections is sufficiently long so that notice and opportunity for prior public comment will be practicable.

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 2002-NM-315-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.