

subject unsafe condition, the significant impact on scheduling and cost for the large fleet of airplanes which must be inspected, and adequate time and availability of facilities for safe and accurate accomplishment of the inspection. In light of all of these factors, we find a 120-day compliance time for doing the flange bolt inspection to be warranted in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

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 2003-NM-243-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.

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, 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:

2003-26-01 Boeing: Amendment 39-13397. Docket 2003-NM-243-AD.

Applicability: All Model 737-100, -200, -200C, -300, -400, and -500 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct loose bolts common to the flange of the rudder front spar and main thrust hinge and actuator assembly, as well as the auxiliary actuator support fitting, which could cause the rudder actuator to separate from the rudder during certain flight conditions, resulting in loss of rudder control and consequent loss of control of the airplane; accomplish the following:

One-Time Inspection

(a) For Groups 1, 2 and 3 airplanes, as listed in Boeing Alert Service Bulletin 737-55A1087, dated October 2, 2003: Within 120 days after the effective date of this AD, perform a one-time general visual inspection of the rudder assembly to determine if an aluminum/fiberglass rudder assembly (Group 1 airplanes), or, if a graphite rudder assembly, part number 65C27234-() or 65C25841-() (Group 2 and Group 3 airplanes) is installed; per the Work Instructions of Boeing Alert Service Bulletin 737-55A1087, dated October 2, 2003.

Note 1: For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

(b) If an aluminum/fiberglass assembly is found: No further action is required by paragraph (c) of this AD.

Stage 1—Repetitive Flange Bolt Inspections

(c) If a graphite assembly is found: Within 120 days after the effective date of this AD, perform a general visual inspection of the flange bolts in the main thrust hinge and actuator assembly, as well as the auxiliary actuator support fitting to detect loose bolts, per "Stage 1—Repeat Flange Bolt Inspection" of the Work Instructions of Boeing Alert Service Bulletin 737-55A1087, dated October 2, 2003.

(1) If no loose flange bolt is found: Repeat the inspection required by paragraph (c) of this AD at intervals not to exceed 1,500 flight cycles or 2,000 flight hours, whichever occurs first.

(2) If any loose flange bolt is found: Before further flight, do the applicable corrective actions by accomplishing all actions specified in paragraphs 4. and 5. of "Stage 1—Repeat Flange Bolt Inspection" of the Work Instructions of the alert service bulletin. Thereafter, repeat the inspection required by paragraph (c) of this AD at intervals not to exceed 1,500 flight cycles or 2,000 flight hours, whichever occurs first.