

months to 12 months. The commenters state that the current EMBRAER EMB-120 Maintenance Review Board (MRB) requirements are for a yearly calibration and download test.

The FAA agrees. We find that the new procedure specified in the AMM will detect potentiometers with noisy signals and, thus, agree that the current MRB requirements for a yearly download are sufficient. We have changed the language of this proposed AD accordingly.

#### **Request To Delete Requirement for Modification of the Flexible Couplers**

One commenter requests that the FAA drop the proposed requirement to add locktite to the flexible coupler attachment screws to prevent loosening of the attachment screws. The commenter states that a screw which is properly installed and torqued should never come loose.

The FAA does not agree. We have had multiple reports of couplers coming loose and shifting the calibration; such a shift in calibration would not be discovered until the next readout of the

FDR. Accordingly, no such change has been made to this proposed AD.

#### **Request To Delete Reporting Requirement**

One commenter requests that the proposed requirement to report results of the calibration test and readout be deleted. The commenter states that the requirement is unnecessary and imposes a hardship on operators.

The FAA agrees in part. We have dropped the reporting requirement in this AD, because we find that EMBRAER's procedure for detecting potentiometers with noisy signals will detect them and, therefore, reporting the results to the FAA, as proposed in the NPRM, is not necessary. Therefore, we have deleted the reporting requirement.

#### **Request To Allow Use of Revised Issue of Service Bulletin**

One commenter asks that use of EMBRAER Service Bulletin 120-31-0038, Change 02, dated June 25, 1998, be allowed in addition to the original issue, dated February 22, 1997. The commenter indicates that there is no

difference in technical content between the original issue and Change 02 of the service bulletin. The FAA concurs and has revised the language of this proposed AD accordingly.

#### **Conclusion**

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

#### **Cost Impact**

The FAA estimates that 250 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours to perform the noise check of the potentiometers and obtain a readout of the FDR, that it would take approximately 1 work hour to apply adhesive to the flexible couplers, and that the average labor rate is \$60 per work hour. The cost impact of the proposed AD on U.S. operators for the initial or repetitive testing of an airplane is as shown on the following table:

TABLE.—ESTIMATED COST IMPACT OF AD

Action	Work hours/ airplane	Cost/airplane	Cost for U.S. fleet
Adjust potentiometers, perform noise check of potentiometer, and obtain readout of FDR .....	3	\$180	\$45,000
Apply adhesive to flexible couplers .....	1	60	15,000
Totals .....	4	240	60,000

The cost impact figures discussed above are 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. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

#### **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.

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) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in 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:

**Empresa Brasileira de Aeronautica S.A. (EMBRAER):** Docket 2000-NM-120-AD.

**Applicability:** Model EMB-120 series airplanes which are required by 14 CFR 135 to operate with a flight data recorder (FDR), 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 (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or