

lubrication of the brake control valve in accordance with Bombardier Service Bulletin 601R-32-017. One commenter requests that the proposed AD be revised to instead require incorporation of the lubrication task (task 32-43-06-05 of the CL-600-2B19 Maintenance Requirements Manual (MRM)) into the approved maintenance program. The commenter asserts that the lubrication task, if incorporated into the MRM, would be considered a routine task subject to normal maintenance program development and escalation. The commenter adds that incorporating the task into the MRM would terminate the repetitive lubrication requirements specified in the proposed AD.

The FAA does not concur with the request. An AD's requirements are mandated for all affected airplanes, but the applicable section of the MRM (Part 1, CSP A-053) is not approved by the FAA (although it is "accepted"). Consequently, the FAA does not control revisions to Part 1 of the MRM. If a task were to be subsequently altered or deleted, the intent of the AD would then become nullified. However, under the provisions of 14 CFR 39.19 and paragraph (d)(1) of this AD, an operator may request approval of an alternative method of compliance (AMOC) to allow use of a particular task card for this AD. However, the AMOC granted would require adherence to a particular revision of the task card; use of any subsequent revisions would require a new AMOC request and approval to enable the cognizant ACO to determine that the intent of the AD requirement has not been altered. No change to the final rule is necessary regarding this issue.

#### Clarification of Requirements

Certain portions of the preamble and paragraph (b) of this final rule have been revised to clarify that the modification includes applying grease to the grease fittings that are installed during the modification.

The repetitive lubrication interval was clarified in paragraph (c) of this final rule. Whereas the proposed AD specified that the lubrication be done "at intervals of 1,500 flight hours," this final rule will require that the lubrication be done "at intervals not to exceed 1,500 flight hours."

Paragraph (d)(2) has been revised in this final rule to clarify that AMOCs approved previously in accordance with AD 93-21-04 are approved as alternative methods of compliance with paragraph (a) of this AD only.

#### 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.

#### Changes to 14 CFR Part 39/Effect on the AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. Because we have now included this material in part 39, we no longer need to include it in each individual AD; however, the office authorized to approve AMOCs is identified in paragraph (d)(1) of this AD.

#### Cost Impact

The FAA estimates that 2 airplanes of U.S. registry are affected by AD 93-21-04. The actions that are currently required by that AD take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required actions is estimated to be \$60 per airplane.

Approximately 194 airplanes of U.S. registry will be affected by this AD.

The modification required by this AD will take approximately 4 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost approximately \$3,812 per airplane. Based on these figures, the cost impact of the modification on U.S. operators is estimated to be \$786,088, or \$4,052 per airplane.

The lubrication of the brake control valve required by this AD will take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this action on U.S. operators is estimated to be \$11,640, or \$60 per airplane, per lubrication.

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) 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 removing amendment 39-8801 (59 FR 2952, January 20, 1994), and by adding a new airworthiness directive (AD), amendment 39-13179, to read as follows:

**2003-11-20 Bombardier, Inc. (Formerly Canadair):** Amendment 39-13179. Docket 2000-NM-311-AD. Supersedes AD 93-21-04, Amendment 39-8801.

*Applicability:* Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category.