

1991, is acceptable for compliance with the requirements of paragraph (a)(1) of the earlier NPRM.) The commenter notes that if the modification described in the June 6, 1991, revision of the service bulletin was installed, the existing pressure relief valve would still be installed in the system. Although Note 2 of the earlier NPRM states that performance of Boeing Service Bulletin 737-38-1029 is acceptable for compliance with paragraph (a)(1), it does not specifically require that the new, improved pressure relief valve be installed. The commenter suggests that Note 2 of the NPRM be clarified.

The FAA concurs that clarification is needed to ensure that the existing pressure relief valves are replaced with new, improved valves for those airplanes identified in the effectivity section of Boeing Service Bulletin 737-38-1029. (For reasons other than those discussed in this response (see explanation under the heading below labeled "Editorial Changes"), we have incorporated the intent of the previously designated Notes 2, 3, and 4 of the NPRM into paragraphs (a), (d), and (f), respectively, of this supplemental NPRM.)

This supplemental NPRM revises paragraph (a)(1) of the earlier NPRM to specify that paragraph (a)(1) must be accomplished in accordance with Boeing Service Bulletin 737-38-1029, dated June 6, 1991, or Revision 1, dated August 19, 1993. Including Boeing Service Bulletin 737-38-1029, dated June 6, 1991, in paragraph (a)(1) of this supplemental NPRM makes it unnecessary to provide the "credit" wording specified in Note 2 of the earlier NPRM. The supplemental NPRM further revises paragraph (a)(2) of the earlier NPRM (replacing the valve with a new pressure relief valve having part number P/N RV05-362) to specify that paragraph (a)(2) must be accomplished in accordance with Boeing Service Bulletin 737-38A1047, Revision 2, dated July 18, 2002.

Request To Limit the Applicability

One commenter requests that the applicability section of the NPRM be revised to include the words, "except those airplanes that have the potable water systems removed or deactivated." The commenter states that it operates two cargo airplanes that have had the potable water systems deactivated. The commenter explains that the servicing port has a cap installed and the potable water tank fill and transfer lines have been disconnected and plugged. Also, the water tank is vented to prevent it from pressurizing during flight.

The FAA does not agree that the applicability should be revised. The FAA has determined that this supplemental NPRM is applicable to certain Model 737-100, -200, -200C, -300, -400, and "500 series airplanes. We consider that, while there is currently no potable water system on the commenter's fleet, a potable water system could be installed at a later date. Therefore, no change to the supplemental NPRM is necessary in this regard. For those airplanes that currently may not have a potable water system installed, the operators may request approval of an alternative method of compliance as provided in paragraph (h) of this AD.

Editorial Changes

Because the language in Notes 2, 3, and 4 of the earlier NPRM is regulatory in nature, the intent of those notes has been incorporated into paragraphs (a), (d), and (f) of this supplemental NPRM.

Other Changes

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 systems. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance (AMOC). Because we have now included this material in part 39, only the office authorized to approve AMOCs is identified in each individual AD. Therefore, paragraphs (c) and (d) and Note 1 of the original NPRM have been removed from this supplemental NPRM.

Conclusion

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

Cost Impact

There are approximately 2,049 Model 737-100, -200, -200C, -300, -400, and -500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,144 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that, of the 1,144 airplanes of U.S. registry, 2 would be affected by the proposed modification of piping to re-locate the pressure relief valve, that it would take approximately 6 work hours per airplane to accomplish the proposed modification, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed modification of piping

on U.S. operators is estimated to be \$720, or \$360 per airplane.

The FAA estimates that all of the 1,144 airplanes of U.S. registry would be affected by the proposed replacement of the pressure relief valve, that it would take approximately 2 work hours per airplane to accomplish the replacement, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$300 per airplane. Based on these figures, the cost impact of the replacement of the pressure relief valve on U.S. operators is estimated to be \$480,480, or \$420 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed 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 proposed herein would 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 proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the 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. A copy of it may be obtained by contacting 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.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the