

AD titled "Clarification of Compliance Time," that section is not restated in this final rule. Therefore, no change to the final rule is necessary in this regard.

Request To Exclude Freighter Airplanes From Applicability

Two commenters ask that the applicability in the proposed AD be changed to exclude Model 767 freighter airplanes, as follows.

The first commenter states that the effectivity in the referenced service bulletin applies only to Model 767 passenger airplanes, and notes that freighter airplanes are not affected. The commenter adds that the word "passenger" should be added to the Discussion section of the proposed AD. The commenter also asks that the Cost Impact section be changed to remove the freighter airplanes from the total number of U.S.-registered aircraft, which would reduce the cost impact for U.S. operators.

The second commenter states that the information in the applicability section of the proposed AD contradicts the effectivity specified in the referenced service bulletin, and should be clarified. The commenter notes that the applicability in the proposed AD specifies Model 767-200 and -300 series airplanes, certificated in any category; however, the effectivity in the service bulletin specifies Model 767-200 and -300 passenger airplanes only.

Both commenters state that the Model 767 freighter airplane has different venting and decompression characteristics than the passenger airplane. The commenters add that the difference is in the location of the aft galley in the passenger airplane, which causes the airflow between the floor and the aft bulkhead to be different from that in freighter airplanes.

We agree with the commenters that the applicability section should be clarified; however, not in the manner proposed. Per the Model 767 Type Certificate Data Sheet, which specifies Model 767-200, -300, and -300F series airplanes, the proposed AD clearly does not include Model 767-300F (freighter) airplanes in the applicability.

However, as the line numbers are listed and have confused some operators, we have clarified the applicability in this final rule to specify "Model 767-200 and -300 series airplanes as listed in Boeing Service Bulletin 767-25A0300, Revision 1, dated May 2, 2002. * * *" In addition, we have removed the freighter airplanes from the total number of U.S.-registered aircraft in the Cost Impact section. However, although we acknowledge and agree with the first commenter's

remarks on the Discussion section of the proposed AD, that section is not restated in this final rule. Therefore, no change to the final rule is necessary in that regard.

New Part Numbers

One commenter states that the manufacturer has not created new part numbers for all of the affected insulation blankets and is still shipping parts in the old configuration that preceeded the new configuration specified in the referenced service bulletin.

Although we acknowledge the commenter's concern, we do not agree. Figure 1 (Insulation Blanket Modification) of Boeing Service Bulletin 767-25A0300, Revision 1, specifies that the insulation blankets are to be re-marked with new part numbers. No change to the final rule is necessary in this regard.

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.

Cost Impact

There are approximately 739 airplanes of the affected design in the worldwide fleet. The FAA estimates that 296 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the modification, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$397 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$170,792, or \$577 per airplane.

The cost impact figure discussed above is 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 adding the following new airworthiness directive:

2003-13-03 Boeing: Amendment 39-13203. Docket 2002-NM-187-AD.

Applicability: Model 767-200 and -300 series airplanes, as listed in Boeing Service Bulletin 767-25A0300, Revision 1, dated May 2, 2002; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been 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 (b) of this AD.