

proposal and that the actual cost of the chip detectors is approximately the unit costs provided by the commenters. We have revised our economic analysis accordingly using an approximate average cost of \$350 per chip detector. Using this revised parts' cost, the total estimated cost impact of this AD increases from \$186,615 (\$30 (labor) per helicopter for 1,131 helicopters, plus \$135 (\$75 parts and \$60 labor) per helicopter for the other 1,131 helicopters) to \$497,640 (\$30 (labor) per helicopter for 1,131 helicopters plus \$410 (\$350 parts and \$60 labor) per helicopter for the other 1,131 helicopters). While the AD may affect a substantial number of small entities, we believe that neither the original estimated cost per helicopter of either \$30 or \$135, as applicable, nor this revised estimated cost per helicopter of either \$30 or \$410, as applicable, will have a significant economic impact on any small entity.

One commenter questions why the proposed AD did not propose to require a repetitive inspection to preclude failure of a chip detector subsequent to it passing the inspection contained in the proposed AD. We do not agree that repetitive inspections are necessary. The inspection that is required is intended to provide a means to identify an unairworthy chip detector installed on a helicopter. Once identified, the proposal specified a temporary repair for the chip detector until it could be replaced with an airworthy part. While it is true that a chip detector could fail after successfully passing the proposed inspection, the causes for potential subsequent failures are not necessarily attributable to the design deficiency addressed by the proposed AD. Accordingly, no change is made to this AD based on this comment.

One commenter believes that more than 50 percent of the currently installed chip detectors may be faulty, which would increase the estimated cost impact of the AD. The commenter states that the AD is not warranted unless airworthiness data were presented to the FAA showing that the manufacturer's previously issued ASBs have not been effective in correcting the problem.

Both commenters state their concerns about the availability of an adequate inventory of chip detectors to replace all unairworthy chip detectors that may be discovered during the inspections required by the AD. The FAA does not agree. We consider our estimate that half of the fleet inspections will result in detection of an unairworthy chip detector to be a conservative estimate. That number may be reduced since

some chip detectors have already been replaced due to the release of BHTC's ASBs. Since compliance with an ASB is not universally mandatory, this AD is being issued to mandate testing, repairing (if necessary), and replacing chip detectors for the operators that have not been required to comply with the ASB. We believe this AD provides a reasonable method for identifying the total number of existing unairworthy chip detectors, a temporary repair procedure that allows chip detectors to be made functional, and a requirement to replace all chip detectors after 300 hours time-in-service (TIS).

Further, one commenter states that the FAA should take the lead in negotiating a firm replacement agreement with the manufacturer since the proposed AD states that Tedeco/Bell "may" provide replacements at "no charge." We do not agree. Negotiating warranty coverage between operators and manufacturers is not a proper role for the FAA. However, we are required to assess the economic impact of our regulation and we have appropriately addressed that issue previously in our discussion of the costs impact of this AD.

After careful review of the available data, including the comments noted above, we have determined that air safety and the public interest require the adoption of the rule with the changes described previously, and that these changes will not increase the scope of the AD.

On July 10, 2002, we issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. This regulation now includes material that relates to special flight permits, alternative methods of compliance, and altered products. However, for clarity and consistency in this final rule, we have retained the language of the NPRM regarding that material.

The FAA estimates that this AD will affect 2,262 helicopters of U.S. registry, and the required actions will take approximately 0.5 work hours per helicopter to initially inspect the chip detectors, and 0.5 work hours per helicopter to repair and ultimately replace any chip detectors that were previously temporarily repaired. The average labor rate is \$60 per work hour. Required parts will cost approximately \$350 per chip detector. Based on these figures, we estimate the total cost impact of the AD on U.S. operators to be \$497,640, assuming half of the fleet will require repairing and replacing the chip detectors. The chip detector manufacturer has stated that it may

provide reworked or replacement parts at no charge at its discretion.

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 a new airworthiness directive to read as follows:

2003-13-14 Bell Helicopter Textron

Canada: Amendment 39-13216. Docket No. 2002-SW-01-AD.

Applicability: Model 206A, 206A-1, 206B, 206B-1, 206L, 206L-1, 206L-3, and 206L-4 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters 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 (d) of this AD.