

inadvertently omitted from paragraph (b) of the proposed AD, it was our intent to reference both the left- and right-hand engines. This intent is apparent from the preamble discussion and from the repetitive replacement requirements of paragraph (c) of the proposed AD. We have revised paragraph (b) of the final rule accordingly. In addition, we have revised the Summary section of the final rule to clarify that the replacement and follow-on actions are required for both the left- and right-hand engines.

Request To Revise Service Bulletin References

The commenter requests adding a reference to EMBRAER Service Bulletin 145-36-0011, dated January 28, 2000, in paragraphs (b), (c), and (d) of the proposed AD. The commenter states that EMBRAER Service Bulletin 145-36-0011, Change 01, dated March 23, 2000, was issued only for administrative purposes with no change to the technical content. In addition, the commenter states that Change 01 of the service bulletin divided the actions specified in the original service bulletin into ten parts because of a shortage of the bleed-air check valves needed to accomplish the service bulletin in its entirety (replacing all five check valves).

We concur with the request for the reasons provided by the commenter and have added a reference to EMBRAER Service Bulletin 145-36-0011, dated January 28, 2000, in paragraphs (b) and (d) of this final rule.

Request To Revise Compliance Time in Paragraph (d)

The commenter requests changing the compliance time in paragraph (d) of the proposed AD for replacing the bleed-air check valve on the tube assembly of the auxiliary power unit (APU). The commenter states that, because of a shortage of bleed-air check valves, it is necessary to change "before further flight" to "within 4,000 flight hours after the effective date of this AD." The commenter adds that only the bleed-air check valve on the bleed-air low-pressure line was replaced on the entire fleet of 65 affected airplanes. In addition, the remaining three bleed-air check valves (two high pressure and one APU) will be replaced during a C-check scheduled at 4,000 flight hours. The commenter is concerned that, if the present compliance time of "before further flight" is not changed, the 30 remaining airplanes (which still require two bleed-air check valves on the bleed-air high pressure lines, and one bleed-air check valve on the tube assembly of the APU) would be grounded.

Since issuance of the proposed AD, it has been determined that the requirements of paragraph (d) of the proposed AD do not address the unsafe condition. Therefore, those requirements have been removed from this final rule.

Request To Omit Paragraph (e)

The commenter suggests omitting paragraph (e) of the proposed AD because of the previously suggested changes to paragraph (d) of the proposed AD. The commenter contends that combining the requirements of paragraphs (d) and (e) would satisfy the terminating action requirement.

We partially agree. As described earlier, the requirements of paragraph (d) of the proposed AD have been omitted from this final rule. Because of this determination, the relief granted in paragraph (e) of the proposed AD still applies, and no change to paragraph (d) of this final rule (paragraph (e) of the proposed AD) is necessary in this regard.

Differences Between This Final Rule and the Service Bulletin/Brazilian Airworthiness Directive

Operators should note that, although the Accomplishment Instructions of Change 01 of the referenced service bulletin specify procedures that include Parts I through X, the Brazilian airworthiness directive references and requires accomplishment of only the procedures in Parts I through IV of the service bulletin. In consonance with the parallel Brazilian airworthiness directive, paragraph (b) of the proposed AD and the final rule require the actions specified in Parts I and II of the service bulletin. However, this final rule differs from the Brazilian airworthiness directive in that it does not require accomplishment of Parts III and IV of the service bulletin. For the purposes of this final rule, the actions specified in Parts III and IV of the service bulletin are optional terminating actions, as described in paragraph (d) of this final rule. The Departamento de Aviação Civil has concurred in our assessment that accomplishment of the actions specified in Parts I and II are sufficient to ensure the safety of the fleet.

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. However, for clarity and consistency in this final rule, we have retained the language of the NPRM regarding that material.

Cost Impact

There are approximately 135 Model EMB-135 and -145 series airplanes of U.S. registry that will be affected by this AD.

The repetitive replacements that are currently required by AD 99-11-01 take approximately 2 work hours 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 on U.S. operators is estimated to be \$16,200, or \$120 per airplane, per each repetitive replacement. The new requirements of this AD add no additional economic burden.

The cost impact figures discussed above is based on the assumption 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)