

operated under Brazilian registry, and therefore, does not affect the U.S. fleet.

We do not agree. We consider that those requirements with reference to Service Bulletin 120-76-0015 are necessary to be included in this AD to ensure that the unsafe condition is addressed in the event that the subject airplane is imported and placed on the U.S. Register in the future. 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 change previously described. The FAA has determined that this change 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 second supplemental NPRM regarding that material.

Labor Rate Increase

After the second supplemental NPRM was issued, we reviewed the figures we use to calculate the labor rate to do the required actions. To account for various inflationary costs in the airline industry, we find it appropriate to increase the labor rate used in these calculations from \$60 per work hour to \$65 per work

hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

Cost Impact

The FAA estimates that 230 EMBRAER Model EMB-120 series airplanes of U.S. registry will be affected by this AD.

The actions that are currently required by AD 92-16-51 take approximately 5 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of that AD on U.S. operators is estimated to be \$69,000, or \$300 per airplane, per inspection cycle.

The approximate cost, at an average labor rate of \$65 per work hour, for the modifications required by this AD, are listed in the following table:

ESTIMATED COSTS

Service bulletin	Work hours	Parts cost	Cost per airplane
120-76-0015:			
Part I .....	5	\$4,376	\$4,701
Part II .....	3	14,331	14,526
Part III .....	1	53	118
120-76-0018:			
Part I .....	130	22,218	30,668
Part II .....	1	( <sup>1</sup> )	( <sup>1</sup> )
120-76-0022:			
Part I .....	3	14,456	14,651
Part II .....	3	2,465	2,660
Part III .....	3	14,525	14,720
Part IV .....	1	53	118

<sup>1</sup> Cost varies with configuration.

Therefore, based on the figures included in the table above, the cost impact of the modification required by this AD on U.S. operators is estimated to range from \$118 to \$30,668 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or 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 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.