

Service Bulletins 737-30-1054 and 737-30-1055.

We do not agree. Because we have revised this final rule to allow operators to accomplish the replacement per Boeing Service Bulletins 737-30-1054 and 737-30-1055, as applicable, as explained previously, there is no need for DER approval. No change to this 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.

### 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.

### Change to Labor Rate Estimate

We have reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary to increase the labor rate used in these calculations from \$60 per work hour to \$65 per work hour. The cost impact information, below, reflects this increase in the specified hourly labor rate.

### Cost Impact

There are approximately 483 airplanes of the affected design in the worldwide fleet. The FAA estimates that 162 Model 737-600, -700, and -800 series airplanes of U.S. registry will be affected by this AD.

The wiring modification, if accomplished in lieu of the wiper motor/converter replacement, will take approximately 15 work hours per airplane to accomplish, at an average labor rate of \$65 per work hour. Required parts will be provided by the airplane manufacturer at no cost to operators. Based on these figures, the cost impact of the wiring modification required by this AD on U.S. operators is

estimated to be \$157,950, or \$975 per airplane.

The wiper motor/converter replacement, if accomplished in lieu of the wiring modification, will take approximately 3 work hours per airplane to accomplish, at an average labor rate of \$65 per work hour. Parts cost will be minimal. Based on these figures, the cost impact of the replacement required by this AD is estimated to be \$31,590, or \$195 per airplane.

The cost impact figures discussed above are 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.

Currently, there are no affected Model 737-400 or -500 series airplanes on the U.S. Register. However, should an airplane be imported and placed on the U.S. Register in the future, the wiring modification, if accomplished in lieu of the wiper motor/converter replacement, will take approximately 20 work hours to accomplish, at an average labor rate of \$65 per work hour. Required parts will be provided by the airplane manufacturer at no cost to operators. Based on these figures, the cost impact of the wiring modification will be \$1,300 per airplane.

Should an affected Model 737-400 or -500 series airplane be imported and placed on the U.S. Register in the future, wiper motor/converter replacement, if accomplished in lieu of the wiring modification, will take approximately 4 work hours to accomplish the replacement of the wiper motor/converters, at an average labor rate of \$65 per work hour. Parts cost will be minimal. Based on these figures, the cost impact of the replacement will be \$260 per airplane.

### 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:

**2003-20-13 Boeing:** Amendment 39-13331. Docket 2001-NM-326-AD.

**Applicability:** Model 737-400 and -500 series airplanes, as listed in Boeing Alert Service Bulletin 737-30A1052, dated October 12, 2000; and Model 737-600, -700, and -800 series airplanes, as listed in Boeing Alert Service Bulletin 737-30A1049, dated June 1, 2000; 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 (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent a reduction in flight crew visibility due to stalled wiper motors during