

Change 02, dated November 27, 2002. These service bulletin changes describe procedures for replacing the horizontal stabilizer actuator (HSA) with a new HSA having a modified clutch with a higher breakout torque set point. Change 02 revises the service bulletin effectivity.

- Service Bulletin 145-27-0092, Change 01, dated May 2, 2002; and Change 02, dated August 26, 2002. Among other things, these service bulletin changes describe procedures for replacing certain HSCUs with new upgraded HSCUs; and corrective actions, if necessary. For airplanes on which certain replacement HSCUs are used, corrective actions include replacement of the HSA with a new HSA that has a modified clutch with a higher breakout torque set point, and replacement of two pitch trim circuit breakers with new circuit breakers that are sized for the new system load capacity. Change 02 revises the service bulletin effectivity.

Accomplishment of the actions specified in these service bulletins is intended to adequately address the identified unsafe condition. The DAC classified these service bulletins as mandatory and issued Brazilian airworthiness directive 2001-12-04R2, described previously, in order to assure the continued airworthiness of these airplanes in Brazil.

#### FAA's Conclusions

These airplane models are manufactured in Brazil and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent reversal of the pilot's pitch trim command for the horizontal stabilizer, which could result in reduced controllability of the airplane. This AD requires replacement of certain HSCUs with new upgraded HSCUs, and corrective actions if necessary. The

actions are required to be accomplished in accordance with the service bulletins described previously, except as described below.

#### Clarifications/Differences Between This AD and the Brazilian Airworthiness Directives

Brazilian airworthiness directive 2001-12-04R1, dated March 11, 2002, specified that corrective actions must be accomplished "before June 15, 2002," which is equivalent to a compliance time of approximately 90 days. However, when Brazilian airworthiness directive 2001-12-04R2 was issued on May 27, 2002, the same compliance date of June 15, 2002, was retained; this resulted in a compliance time of approximately 20 days. In developing an appropriate compliance time for this AD, the FAA considered the compliance times specified in the Brazilian airworthiness directives. We find that 90 days is appropriate for accomplishment of the replacement required by this AD, and that it accurately reflects the intent of the Brazilian airworthiness directives.

In addition, Brazilian airworthiness directive 2001-12-04R2 specifies that replacement action may be accomplished per EMBRAER Service Bulletin 145-27-0092, Change 01, "or further revisions" that are approved by the DAC. The FAA cannot approve the use of a document that does not yet exist because to do so would violate Office of the Federal Register regulations regarding approval of materials that are incorporated by reference. However, use of a later revision of the service bulletin could be approved as an alternative method of compliance per paragraph (d) of this AD. As described earlier, the FAA has approved the use of Change 02 of EMBRAER Service Bulletin 145-27-0092 for accomplishment of the actions required by this AD.

#### Differences Between This AD, the Brazilian Airworthiness Directive, and EMBRAER Service Bulletin 145-27-0092

The applicability of Brazilian airworthiness directive 2001-12-04R2 specifies that the replacement must be accomplished on all EMBRAER Model EMB-135 and -145 series airplanes equipped with certain HSCUs having serial numbers (S/Ns) higher than 4000, including those S/Ns identified with an "A" suffix that were installed per Brazilian emergency airworthiness directive 2001-12-04. However, the effectivity of Changes 01 and 02 of EMBRAER Service Bulletin 145-27-0092 calls out certain airplanes by serial

number, and does not specify HSCUs having an S/N with an "A" suffix. The applicability of this AD follows that of the Brazilian airworthiness directive with regard to including HSCUs with the "A" suffix designation; however, the applicability of this AD also specifies the airplane serial numbers called out in the service bulletin.

Additionally, Changes 01 and 02 of EMBRAER Service Bulletin 145-27-0092 specify the use of HSCU part numbers 362100-1007 MOD.0 and 362100-1007 interchangeably. Those revisions of the service bulletin also specify the use of HSCU part numbers 362100-5009 MOD.0 and 362100-5009 interchangeably. However, paragraphs (a)(1) and (a)(3) of this AD correspond to the Brazilian airworthiness directive by using the term "MOD.0."

#### Difference Between This AD and EMBRAER Service Bulletin 145-27-0092

Changes 01 and 02 of EMBRAER Service Bulletin 145-27-0092 specify replacement of certain HSCUs with the kits listed in the service bulletin, or with "alternative or similar parts approved by EMBRAER." However, this AD requires replacement with a new upgraded HSCU, and does not allow the use of alternative or similar parts approved by EMBRAER.

#### Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether