

additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2002-NM-326-AD." The postcard will be date stamped and returned to the commenter.

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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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:

2003-03-23 Empresa Brasileira De Aeronautica S.A. (EMBRAER):
Amendment 39-13048. Docket 2002-NM-326-AD.

Applicability: Model EMB-135 and -145 series airplanes, having serial numbers as listed in EMBRAER Service Bulletin 145-27-0092, Change 02, dated August 26, 2002; and other Model EMB-135 and -145 series airplanes that have been equipped with a horizontal stabilizer control unit (HSCU) having part number (P/N) 362100-1007 MOD.1, P/N 362100-1009 MOD.0, or P/N 362100-5009 MOD.0; and having a serial number (S/N) above 4000, including S/Ns identified with an "A" suffix that were installed per emergency Brazilian airworthiness directive 2001-12-04, dated December 21, 2001; certificated in any category.

Note 1: This AD applies to each airplane 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 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 (c) 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 reversal of the pilot's pitch trim command for the horizontal stabilizer, which could result in reduced controllability of the airplane, accomplish the following:

Part I: HSCU Replacement

- (a) Within 90 days after the effective date of this AD, replace the HSCU with a new upgraded HSCU having the P/N identified in

paragraphs (a)(1), (a)(2), and (a)(3) of this AD, as applicable; per Figure 1 and Part I of the Accomplishment Instructions of EMBRAER Service Bulletin 145-27-0092, Change 01, dated May 2, 2002; or Change 02, dated August 26, 2002.

(1) Replace HSCU P/N 362100-1007 MOD.1 with a new upgraded HSCU having P/N 362100-1007 MOD.0 or MOD.2, P/N 362100-1009 MOD.1, or P/N 362100-5009 MOD.1.

(2) Replace HSCU P/N 362100-1009 MOD.0 with a new upgraded HSCU having P/N 362100-1009 MOD.1, or P/N 362100-5009 MOD.1.

(3) Replace HSCU P/N 362100-5009 MOD.0 with a new upgraded HSCU having P/N 362100-5009 MOD.1.

Part II: Corrective Actions

(b) For airplanes on which a new upgraded HSCU having P/N 362100-1009 MOD.1 or 362100-5009 MOD.1 has been installed per paragraph (a)(1) of this AD: Concurrently with the requirements of paragraph (a) of this AD, do paragraphs (b)(1) and (b)(2) of this AD.

(1) Replace the horizontal stabilizer actuator (HSA) with a new HSA per the Accomplishment Instructions of EMBRAER Service Bulletin 145-27-0091, Change 01, dated June 17, 2002; or Change 02, dated November 27, 2002.

(2) Replace the pitch trim circuit breakers with new circuit breakers per the Accomplishment Instructions of EMBRAER Service Bulletin 145-27-0092, Change 01, dated May 2, 2002; or Change 02, dated August 26, 2002.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions shall be done in accordance with EMBRAER Service Bulletin 145-27-0091, Change 01, dated June 17, 2002; EMBRAER Service Bulletin 145-27-0091, Change 02, dated November 27, 2002; EMBRAER Service Bulletin 145-27-0092, Change 01, dated May 2, 2002; and EMBRAER Service Bulletin 145-27-0092, Change 02, dated August 26, 2002; as applicable; which contain the specified list of effective pages: