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**SUPPLEMENTARY INFORMATION:** This document corrects the test procedure in a final rule published in the **Federal Register** on December 18, 2001 (66 FR 65091), regarding Energy Conservation Program for Consumer Products: Test Procedure for Dishwashers. This correction revises a reference to an appendix section and revises the equations for determining the water energy consumption per cycle using gas-heated or oil-heated water.

In rule document FR Doc. 01-18429, appearing on page 65091, in the issue of Tuesday, December 18, 2001, the following corrections are made:

#### PART 430—[CORRECTED]

##### § 430.23 [Corrected]

1. On page 65096 in the first column, § 430.23(c)(1)(ii)(B) is corrected to read as follows:

(B) For dishwashers not having a truncated normal cycle,

$$EAOC = N \times D_e \times E_n$$

where, N and  $D_e$  are defined in paragraph (c)(1)(i) of this section,

$E_n$  = the total electrical energy consumption per cycle for the normal cycle as defined in section 1.5 of appendix C, in kilowatt-hours and determined according to section 5.4 of appendix C to this subpart,

$E_t$  = the total electrical energy consumption per cycle for the truncated normal cycle, in kilowatt-hours and determined according to section 5.4 of appendix C to this subpart."

2. On page 65097 in the second column, in Appendix C to Subpart B of Part 430, Sections 5.3, 5.3.1, and 5.3.2 are corrected to read as follows:

"5.3 Water energy consumption per cycle using gas-heated or oil-heated water. Determine the water energy consumption for dishwashers according to sections 5.3.1 and 5.3.2 of this Appendix. Use the notation  $W_n$  for a test of the normal cycle or  $W_t$  for a test of the truncated normal cycle. Note that gas-heated or oil-heated water was used.

5.3.1 Dishwashers that operate with a nominal 140° F inlet water temperature, only. For each test cycle, calculate the water energy consumption using gas-heated or oil-heated water, W, expressed in btu's per cycle and defined as:

$$W = V \times T \times C/e$$

where,

V = reported water consumption in gallons per cycle, as measured in section 4.3 of this Appendix,

T = nominal water heater temperature rise = 90° F,

C = specific heat of water in btu's per gallon per degree Fahrenheit = 8.2,

e = nominal gas or oil water heater recovery efficiency = 0.75.

5.3.2 Dishwashers that operate with a nominal inlet water temperature of 120° F. For each test cycle, calculate the water energy consumption using gas heated or oil heated water, W, expressed in btu's per cycle and defined as:

$$W = V \times T \times C/e$$

where,

V = reported water consumption in gallons per cycle, as measured in section 4.3 of this Appendix,

T = nominal water heater temperature rise = 70° F,

C = specific heat of water in btu's per gallon per degree Fahrenheit = 8.2,

e = nominal gas or oil water heater recovery efficiency = 0.75. "

Issued in Washington, DC, on April 26, 2002.

David K. Garman,

Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 02-10695 Filed 4-30-02; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 39

[Docket No. 2002-NM-68-AD; Amendment 39-12730; AD 2002-08-18]

RIN 2120-AA64

##### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB-135 and -145 series airplanes. This action requires repetitive inspections (tests) of the actuator clutches of the primary and backup pitch trim systems of the horizontal stabilizer for proper pitch trim indications, and replacement of the actuator, if necessary. This action is necessary to prevent loss of pitch trim command during the takeoff and climb phase of flight due to improper set point of the actuator clutches, which could result in high pitch control forces and

consequent reduced controllability of the airplane. This action is intended to address the identified unsafe condition. **DATES:** Effective May 16, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 16, 2002.

Comments for inclusion in the Rules Docket must be received on or before May 31, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2002-NM-68-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via the Internet must contain "Docket No. 2002-NM-68-AD" in the subject line and need not be submitted in triplicate. Comments sent via fax or the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Robert Capezzuto, Aerospace Engineer, Systems and Flight Test Branch, ACE-116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6071; fax (770) 703-6097.

**SUPPLEMENTARY INFORMATION:** The Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB-135 and -145 series airplanes. The DAC advises that reports have been received indicating loss of the set point of the actuator clutches of the primary and backup systems of the horizontal stabilizer. This condition, if not corrected, could result

in loss of pitch trim command during the takeoff and climb phase of flight, which could result in high pitch control forces and consequent reduced controllability of the airplane.

#### Explanation of Relevant Service Information

EMBRAER has issued Service Bulletin 145-27-0082, dated September 18, 2001, which describes procedures for inspections (tests) of the actuator clutches of the primary and backup pitch trim systems of the horizontal stabilizer for proper pitch trim indications, and replacement of the actuator, if necessary. The service bulletin describes the test for proper pitch trim indications of the primary pitch trim system as applying sequential nose-up trim commands (maximum of four attempts) of 3 seconds each from the pilot or co-pilot yoke trim switch, until a PIT TRIM 1 INOP or PIT TRIM 2 INOP message appears, which indicates that the clutch is acceptable. The test for proper pitch trim indications of the backup pitch trim system is the same, but is done using either the main or backup trim switches. If there is no message and the measured voltage during the trimming attempts is greater than 1 volt, the clutch is slipping and the actuator must be replaced with an improved actuator.

The DAC classified this service bulletin as mandatory and issued Brazilian airworthiness directive 2001-10-02R1, dated February 4, 2002, 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 requires accomplishment

of the actions specified in the service bulletin described previously.

#### Applicability

Brazilian airworthiness directive 2001-10-02, dated November 15, 2001, was superseded by airworthiness directive 2001-10-02R1, dated February 4, 2002, to remove airplane serial number 145499 from the serial numbers listed in the applicability. That serial number has not yet been removed from the effectivity specified in the referenced service bulletin. Therefore, the applicability specified in this AD is identical to that in airworthiness directive 2001-10-02R1.

#### 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 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-68-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:

**2002–08–18 Empresa Brasileira de Aeronautica S.A. (EMBRAER):**

Amendment 39–12730. Docket 2002–NM–68–AD.

**Applicability:** Model EMB–135 and –145 series airplanes; certificated in any category; serial numbers 145004 through 145189 inclusive; 145191 through 145362 inclusive; 145364 through 145373 inclusive; 145375 through 145411 inclusive; 145413 through 145461 inclusive; 145463 through 145468 inclusive; 145470; 145472 through 145482 inclusive; 145485, 145486, and 145488; 145490 through 145494 inclusive; 145496 through 145498 inclusive; 145500 through 145502 inclusive; 145504 and 145507; 145508 through 145512 inclusive; 145514, 145515, 145517, and 145518.

**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 (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 loss of pitch trim command during the takeoff and climb phase of flight due to improper set point of the actuator clutches of the horizontal stabilizer, which could result in high pitch control forces and consequent reduced controllability of the airplane, accomplish the following:

**Repetitive Inspections (Tests)/Replacement**

(a) Within 800 flight hours after the effective date of this AD: Do an inspection (test) of the actuator clutches of both the primary and backup pitch trim systems of the horizontal stabilizer for proper pitch trim indications per EMBRAER Service Bulletin 145–27–0082, dated September 18, 2001. Repeat the test after that every 2,000 flight hours.

(1) If either test indicates that the clutch is slipping (no PIT TRIM 1 INOP or PIT TRIM 2 INOP message appears, and the measured voltage during trim attempts is greater than 1 volt), before further flight, replace the applicable actuator with an improved actuator and before further flight, repeat the test.

(2) If both tests indicate that the clutch is acceptable (PIT TRIM 1 INOP or PIT TRIM 2 INOP message appears), repeat the test at the time specified in paragraph (a) of this AD.

**Spares**

(b) As of the effective date of this AD, no person shall install an actuator having part

number 362200–1007, –1009, –1011, or –1013 on any airplane, unless the actuator clutch has been inspected as required by paragraph (a) of this AD.

**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, Atlanta Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

**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 145–27–0082, dated September 18, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 3:** The subject of this AD is addressed in Brazilian airworthiness directive 2001–10–02R1, dated February 4, 2002.

**Effective Date**

(f) This amendment becomes effective on May 16, 2002.

Issued in Renton, Washington, on April 19, 2002.

**Lirio Liu-Nelson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 02–10246 Filed 4–30–02; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2002–NM–107–AD; Amendment 39–12728; AD 2002–08–51]

**RIN 2120–AA64**

**Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes Equipped With General Electric CF6–50 Engines**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) 2002–08–51 that was sent previously to all known U.S. owners and operators of Airbus Model A300 B2 and B4 series airplanes equipped with General Electric CF6–50 engines by individual notices. This AD requires deactivating both thrust reversers and revising the airplane flight manual (AFM) to require performance penalties during certain takeoff conditions to ensure that safe and appropriate performance is achieved for airplanes on which both thrust reversers have been deactivated. This action is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent uncommanded in-flight deployment of a thrust reverser, which could result in reduced controllability of the airplane.

**DATES:** Effective May 6, 2002, to all persons except those persons to whom it was made immediately effective by emergency AD 2002–08–51, issued April 8, 2002, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 6, 2002.

Comments for inclusion in the Rules Docket must be received on or before May 31, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–107–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal