

let their accreditation lapse. We have discovered that we need additional time to reach out to such veterinarians to ensure that they are aware of the new requirements. We have also found that some veterinarians who received notification did not understand what the notification meant, and we plan to work to clarify the new requirements for currently accredited veterinarians in the coming months.

Therefore, this document announces that currently accredited veterinarians may continue to perform accredited duties until further notice, even if they have not received a date for their first accreditation renewal from APHIS. We will also allow currently accredited veterinarians to continue to elect to participate in the NVAP.

We currently expect to be able to process all the elections to participate we have received by March 2011. When we are closer to reaching this goal, we will publish another document in the **Federal Register** that will amend § 161.3(d) to indicate the date by which veterinarians must elect to continue to participate in the NVAP.

Done in Washington, DC, this 17<sup>th</sup> day of September 2010.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2010-24294 Filed 9-27-10; 8:45 am]

**BILLING CODE 3410-34-S**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2010-0941; Directorate Identifier 2010-CE-051-AD; Amendment 39-16453; AD 2010-20-18]

RIN 2120-AA64

#### **Airworthiness Directives; Pacific Aerospace Limited Models FU24-954 and FU24A-954 Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

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

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Investigation of a recent accident has indicated it is possible to exceed the aircraft aft C of G limits during parachute operations. It is the responsibility of the pilot in command to ensure that the aircraft is loaded within the approved weight and balance limitations and these limitations are not exceeded throughout the flight.

This AD requires actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** This AD becomes effective October 18, 2010.

We must receive comments on this AD by November 12, 2010.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### **Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; fax: (816) 329-4090.

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

The Civil Aviation Authority (CAA), which is the aviation authority for New Zealand, has issued AD DCA/FU24/179, dated September 10, 2010 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

Investigation of a recent accident has indicated it is possible to exceed the aircraft aft C of G limits during parachute operations. It is the responsibility of the pilot in

command to ensure that the aircraft is loaded within the approved weight and balance limitations and these limitations are not exceeded throughout the flight.

The MCAI requires amending the airplane flight manual (AFM) to restrict maximum occupancy of the cabin aft of F.S 118.84 to 6 persons and requires doing a weight and balance calculation for any parachuting operation to ensure the aircraft center of gravity (C of G) will remain within AFM limits for the duration of the flight. You may obtain further information by examining the MCAI in the AD docket.

#### **FAA’s Determination and Requirements of the AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### **Differences Between This AD and the MCAI**

We have reviewed the MCAI and, in general, agree with its substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI.

We might have also required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the AD. These requirements take precedence over those copied from the MCAI.

#### **FAA’s Determination of the Effective Date**

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because a recent accident indicates it is possible to exceed the aircraft aft C of G limits during parachute-drop operations. Exceeding C of G limits could result in loss of control of the aircraft. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists

for making this amendment effective in fewer than 30 days.

### Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2010-0941; Directorate Identifier 2010-CE-051-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD 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.

For the reasons discussed above, I certify that this AD:

(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.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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. The FAA amends § 39.13 by adding the following new AD:

**2010-20-18 Pacific Aerospace Limited:**  
Amendment 39-16453; Docket No. FAA-2010-0941; Directorate Identifier 2010-CE-051-AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective October 18, 2010.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Pacific Aerospace Limited Models FU24-954 and FU24A-954 airplanes, all serial numbers, that are:

- (1) Certificated in any category; and
- (2) Modified to conduct parachute operations.

#### Subject

(d) Air Transport Association of America (ATA) Code 8: Leveling and Weighing.

#### Reason

(e) The mandatory continuing airworthiness information (MCAI) states: Investigation of a recent accident has indicated it is possible to exceed the aircraft aft C of G limits during parachute operations. It is the responsibility of the pilot in command to ensure that the aircraft is loaded within the approved weight and balance limitations and these limitations are not exceeded throughout the flight.

The MCAI requires amending the airplane flight manual (AFM) to restrict maximum occupancy of the cabin aft of F.S 118.84 to 6 persons and requires doing a weight and balance calculation for any parachuting operation to ensure the aircraft center of

gravity (C of G) will remain within AFM limits for the duration of the flight.

### Actions and Compliance

(f) Unless already done, do the following actions:

(1) Before further parachute-drop operations as of October 18, 2010 (the effective date of this AD) do the following:

(i) Amend the airplane flight manual (AFM) to restrict maximum occupancy of the cabin aft of F.S 118.84 to 6 persons. This may be done by inserting a copy of this AD into the AFM adjacent to the applicable supplement for parachuting operations; and

(ii) Fabricate a placard at least 2 by 4 inches (using at least 1/8 inch letters) and install the placard in 2 places, one on each side of the aft cabin, nominally in view of all occupants as they enter and occupy the cabin which states the following: Maximum occupancy of this cabin limited to 6 persons for parachuting operations. Weight and Balance must be confirmed for each flight.

(2) Before any parachute-drop operation as of October 18, 2010 (the effective date of this AD) the weight and balance calculation must comply with the following limitations and establish that the aircraft C of G will remain within AFM limits for the duration of the flight:

(i) Use actual weights for all occupants and their equipment to do the calculation;

(ii) Account for the positions of all occupants in the calculation. Do the calculation with the occupants' (parachuting group) positions at the most aft positions that result from the rearmost members of the group sitting against the aft cabin wall and subsequent occupants located immediately forward of them, unless a means of restraint is provided to prevent the occupants moving rearwards from their normal position; and

(iii) Keep a record of the C of G determination for each parachuting operation.

### FAA AD Differences

**Note:** This AD differs from the MCAI as follows: No differences.

### Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; fax: (816) 329-4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required

to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

#### Related Information

(h) Refer to MCAI Civil Aviation Authority of New Zealand AD DCA/FU24/179, dated September 10, 2010, for related information.

Issued in Kansas City, Missouri, on September 21, 2010.

**Patrick R. Mullen,**

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

[FR Doc. 2010-24117 Filed 9-27-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2010-0428; Airspace Docket No. 10-AEA-13]

#### Amendment of Class D and E Airspace; Establishment of Class E Airspace; Patuxent River, MD

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Class D and E Airspace at Patuxent River Naval Air Station (NAS), Patuxent River, MD, to reflect the part-time operating status of the control tower, and establishes Class E airspace designated as surface areas to accommodate Standard Instrument Approach Procedures (SIAPs) developed for the NAS. This action also corrects the geographical coordinates of the NAS and combines two airspace descriptions. This action will enhance the safety and management of IFR operations at Patuxent River NAS (Trapnell Field).

**DATES:** Effective 0901 UTC, January 13, 2011. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Melinda Giddens, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5610.

**SUPPLEMENTARY INFORMATION:**

#### History

On August 9, 2010, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class D and E airspace, and establish Class E surface airspace at Patuxent River NAS (Trapnell Field), Patuxent River, MD (75 FR 47736) Docket No. FAA-2010-0428. Subsequent to publication the FAA received a request from the National Aeronautical Navigation Services to correct the geographic coordinates of the airfield, and for charting purposes, combine two closely located descriptions in both Class E airspace areas at Patuxent River NAS, Patuxent River, MD. This action makes these corrections. With the exception of editorial changes, and the changes described above this rule is the same as that proposed in the NPRM.

Interested persons were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class D and E airspace designations are published in paragraph 5000, 6002, and 6004 of FAA Order 7400.9U dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

#### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class D airspace and Class E airspace designated as an extension to Class D surface area at Patuxent River NAS (Trapnell Field), Patuxent River, MD, to reflect the part-time operations of the airport control tower, establishing in advance the dates and times by a Notice to Airmen, and establishes Class E surface area airspace to provide controlled airspace required to support the SIAPs developed for Patuxent River NAS. The geographic coordinates of Patuxent River NAS (Trapnell Field) will be corrected to coincide with the FAA's National Aeronautical Navigation Services. The Class E surface area airspace and Class E airspace designated as extensions to Class D surface area 233° and the 235° radials will be combined to coincide with aeronautical charting.

Class D airspace designations, Class E surface airspace designations and Class E airspace designations as extensions to a Class D surface area are published in Paragraph 5000, 6002, and 6004 respectively, of FAA Order 7400.9U, dated August 18, 2010, and effective September 15, 2010, which is

incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class D and existing Class E airspace and establishes Class E airspace designated as surface areas at Patuxent River NAS (Trapnell Field), Patuxent River, MD.

#### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

#### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, B, C, D, AND CLASS E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for part 71 continues to read as follows: