

additional proceedings are necessary to resolve the issues.

**§ 1203.26 Decision of the adjudicative officer.**

(a) The adjudicative officer must make the initial decision on the basis of the written record, except if further proceedings are ordered under § 1203.25.

(b) The adjudicative officer must issue a written initial decision on the application for award within 30 days after completion of proceedings on the application. The initial decision will become the final decision of FHFA after 30 days from the day it was issued, unless review is ordered under § 1203.27.

(c) In all initial decisions, the adjudicative officer must include findings and conclusions with respect to the applicant's eligibility and an explanation of the reasons for any difference between the amount requested by the applicant and the amount awarded. If the applicant has sought an award against more than one agency, the adjudicative officer must also include findings and conclusions with respect to the allocation of payment of any award made.

(d) In initial decisions on applications filed pursuant to § 1203.4(a), the adjudicative officer must include findings and conclusions as to whether FHFA made a demand that was substantially in excess of the decision in the underlying adversary adjudication and that was unreasonable when compared with that decision; and, if at issue, whether the applicant has committed a willful violation of the law or otherwise acted in bad faith, or whether special circumstances would make the award unjust.

(e) In decisions on applications filed pursuant to § 1203.4(b), the adjudicative officer must include written findings and conclusions as to whether the applicant is a prevailing party and whether the position of FHFA was substantially justified; and, if at issue, whether the applicant unduly protracted or delayed the underlying adversary adjudication or whether special circumstance make the award unjust.

**§ 1203.27 Review by FHFA.**

Within 30 days after the adjudicative officer issues an initial decision under § 1203.26, either the applicant or agency counsel may request the Director to review the initial decision of the adjudicative officer. The Director may also decide, at his or her discretion, to review the initial decision. If review is ordered, the Director must issue a final

decision on the application for award or remand the application for award to the adjudicative officer for further proceedings under § 1203.25.

**§ 1203.28 Judicial review.**

Any party, other than the United States, that is dissatisfied with the final decision on an application for award of fees and expenses under this part may seek judicial review as provided in 5 U.S.C. 504(c)(2).

**§ 1203.29 Payment of award.**

To receive payment of an award of fees and other expenses granted under this part, the applicant must submit a copy of the final decision that grants the award and a certification that the applicant will not seek review of the decision in the United States courts to the Director, Federal Housing Finance Agency, 1700 G Street, NW., Washington, DC 20552. FHFA must pay the amount awarded to the applicant within 60 days of receipt of the submission of the copy of the final decision and the certification, unless judicial review of the award has been sought by any party to the proceedings.

**CHAPTER XVII—OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**PART 1705—[REMOVED]**

■ 2. Remove part 1705.

Dated: October 14, 2010.

**Edward J. DeMarco,**

*Acting Director, Federal Housing Finance Agency.*

[FR Doc. 2010-26650 Filed 10-21-10; 8:45 am]

**BILLING CODE 8070-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA-2010-0611; Directorate Identifier 2009-SW-18-AD; Amendment 39-16487; AD 2010-22-08]**

**RIN 2120-AA64**

**Airworthiness Directives; Eurocopter France Model AS 350 B, BA, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N Helicopters**

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the Eurocopter France Model AS 350 B, BA,

B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N helicopters, with certain main rotor servo-controls and tail rotor servo-controls. This AD requires replacing all servo-controls that are identified in the Applicability section of this AD. This AD is prompted by an internal review conducted by the manufacturer which revealed that some main and tail rotor servo-controls do not conform to the approved design. The actions specified by this AD are intended to prevent the distributor slide valve jamming in its sleeve, leading to reduced controllability of the rotors and subsequent loss of control of the helicopter.

**DATES:** Effective November 26, 2010.

**ADDRESSES:** You may get the service information identified in this AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527.

**Examining the Docket:** You may examine the docket that contains this AD, any comments, and other information on the Internet at <http://www.regulations.gov> or at the Docket Operations office, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** J. R. Holton, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Guidance Group, ASW-111, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-4964, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

We issued a Notice of Proposed Rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the Eurocopter France Model AS 350 B, BA, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N helicopters on June 9, 2010. That NPRM was published in the **Federal Register** on June 16, 2010 (75 FR 34062). That NPRM proposed to require replacing all servo-controls that are identified in the Applicability section of the proposed AD. The NPRM was prompted by an internal review conducted by the manufacturer which revealed that some main and tail rotor servo-controls do not conform to the approved design. The actions specified by the NPRM are intended to prevent the distributor slide valve jamming in its sleeve, leading to reduced controllability of the rotors and subsequent loss of control of the helicopter.

The European Aviation Safety Agency (EASA), which is the Technical Agent

for the Member States of the European Community, has issued EASA Emergency AD No. 2007–0141–E, dated May 21, 2007, to correct an unsafe condition for certain Eurocopter France Model AS 350 B, BA, BB, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N helicopters. EASA advises that “an internal review revealed that some main and tail rotor servo-controls do not conform to the approved design. This results in a greater play in the input lever bearing which could lead to off-centered lever/distributor slide valve. If not corrected, this condition could jam the distributor slide valve in its sleeve, contributing to reduced controllability of the rotors.”

**Related Service Information**

Eurocopter has issued Emergency Alert Service Bulletin (EASB) No. 01.00.58, applicable to Model AS 350 B, BA, BB, B1, B2, B3, and D helicopters, and EASB No. 01.00.53, applicable to Model AS355 E, F, F1, F2, and N helicopters, both Revision 1 and both dated April 19, 2007, “to preclude the risk of jamming of the distributor slide valve in its sleeve, due to excessive play in the bearing of the servo-control input lever.” Both EASB 01.00.58 and 01.00.53, along with 01.00.22 and 01.00.23 for various military model helicopters are contained in the same EASB document. The EASA classified these EASBs as mandatory and issued EASA Emergency AD No. 2007–0141–E, dated May 21, 2007, to ensure the continued airworthiness of these helicopters.

**FAA’s Evaluation and Unsafe Condition Determination**

These products have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, their technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of these same type designs. This AD requires replacing all servo-controls with serial numbers that are in the Applicability section of this AD.

**Differences Between This AD and the EASA AD**

This AD does not require returning servo-controls to the manufacturer for return to conformity. This AD does not require inspecting for the existence of “hard points” in the flight controls since this is accomplished during normal pre-flight run-up control checks.

**Comments**

By publishing the NPRM, we gave the public an opportunity to participate in developing this AD. However, we received no comment on the NPRM or on our determination of the cost to the public. Therefore, based on our review and evaluation of the available data, we have determined that air safety and the public interest require adopting the AD as proposed, with one minor correction. Note 1 of the NPRM did not contain the revision level and dates of the EASB; this AD corrects that oversight. We have determined that this change neither increases the economic burden on any operator nor increases the scope of the AD.

**Costs of Compliance**

We estimate that this AD will affect about 56 helicopters of U.S. registry. We also estimate that it will take about 1.5 work-hours per helicopter to replace a servo-control identified in the Applicability section of this AD. The average labor rate is \$85 per work-hour. Required parts will cost about \$16,500 per helicopter. Based on these figures, we estimate that the cost of this AD on U.S. operators is \$931,140 for the entire fleet, or \$16,628 per helicopter.

**Regulatory Findings**

We have 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 the regulation:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the 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 an economic evaluation of the estimated costs to comply with this AD. See the AD docket to examine the economic evaluation.

**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.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, 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 a new airworthiness directive to read as follows:

**2010–22–08 Eurocopter France:**

Amendment 39–16487; Docket No. FAA–2010–0611; Directorate Identifier 2009–SW–18–AD.

*Applicability:* Model AS 350 B, BA, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N helicopters, with a main rotor or tail rotor servo-control identified in Table 1, installed, certificated in any category.

TABLE 1

Component	Part No. (P/N)	Serial No. (S/N)
Main rotor servo-control .....	P/N SC5083 .....	S/N 270M, 272M, 409M, 423M, 452M, or 1573.

TABLE 1—Continued

Component	Part No. (P/N)	Serial No. (S/N)
Tail rotor servo-control .....	P/N SC5083-1 .....	S/N 2902 through 2921, inclusive.
	P/N 5084 .....	S/N 30, 84, 104, 186, 438, 575, or 695.
	P/N 5084-1 .....	S/N 1462 through 1481, inclusive.
	P/N SC5072 .....	S/N 222M, 306M, or 309.

*Compliance:* Required, as indicated.

To prevent the distributor slide valve jamming in its sleeve, leading to reduced controllability of the rotors and subsequent loss of control of the helicopter, accomplish the following:

(a) Within the next 50 hours time-in-service (TIS), or when a “hard point” is detected in the flight controls, whichever occurs earlier, replace each installed servo control that has a serial number listed in Table 1 of this AD, with an airworthy servo control.

**Note 1:** Eurocopter EASB No. 01.00.58 and No. 01.00.53, both Revision 1, and dated April 19, 2007, which are not incorporated by reference, contain additional information about the subject of this AD.

(b) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Safety Management Group, Rotorcraft Directorate, FAA, ATTN: J. R. Holton, Aviation Safety Engineer, Regulations and Policy Group, ASW-111, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-4964, fax (817) 222-5961, for information about previously approved alternative methods of compliance.

(c) The Joint Aircraft System/Component (JASC) Code is 6730: Rotorcraft Servo System.

(d) This amendment becomes effective on November 26, 2010.

**Note 2:** The subject of this AD is addressed in European Aviation Safety Agency (France) Emergency AD No. 2007-0141-E, dated May 21, 2007.

Issued in Fort Worth, Texas, on October 12, 2010.

**Kim Smith,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2010-26565 Filed 10-21-10; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA-2010-0449; Directorate Identifier 2009-SW-38-AD; Amendment 39-16456; AD 2010-20-21]**

**RIN 2120-AA64**

**Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters**

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

**ACTION:** Final rule; correction.

**SUMMARY:** The FAA is correcting an airworthiness directive (AD) that published in the **Federal Register**. That AD applies to the products listed above. The AD number, as shown in the PART 39—AIRWORTHINESS DIRECTIVES section, is incorrect. This document corrects that error. In all other respects, the original document remains the same.

**DATES:** This final rule is effective November 9, 2010.

**ADDRESSES:** 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 address for the Docket Office (phone: 800-647-5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** DOT/FAA Southwest Region, Mark Wiley, ASW-111, Aviation Safety Engineer, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5114, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** This AD, Amendment 39-16456 (75 FR 61341, October 5, 2010), requires modifying the fuselage electrical installation and the

overhead panel electrical installation for Agusta S.p.A. Model A109E helicopters.

As published, the AD number shown in the third column on **Federal Register** page 61342 under item 2. of PART 39—AIRWORTHINESS DIRECTIVES section is incorrect. The AD number shown is “2020-20-21;” the correct AD number should be “2010-20-21.”

No other part of the preamble or regulatory information has been changed; therefore, only the changed portion of the final rule is being published in the **Federal Register**.

The effective date of this AD remains November 9, 2010.

**Correction of Regulatory Text**

**§ 39.13 [Corrected]**

In the **Federal Register** document 2010-24723, filed October 4, 2010 and published on October 5, 2010 (75 FR 61341), on page 61342, in the third column, under “§ 39.13 [Amended],” the AD number is corrected to read as follows:

**2010-20-21 AGUSTA S.p.A.:** Amendment 39-16456; Docket No. FAA-2010-0449; Directorate Identifier 2009-SW-38-AD.

Issued in Fort Worth, Texas, on October 12, 2010.

**Kim Smith,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2010-26569 Filed 10-21-10; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

**[Docket No. FAA-2010-0407; Airspace Docket No. 10-AGL-7]**

**Amendment of Class E Airspace; Williston, ND**

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace for Williston, ND, to accommodate Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAPs) at Sloulin Field