

**Subject**

(d) Air Transport Association (ATA) of America Code 34: Navigation.

**Unsafe Condition**

(e) This AD results from discovery of software anomalies which, in certain situations, can cause the FMS to generate misleading navigational guidance to the pilots and to the autopilot system of various airplanes having this same system software.

The Federal Aviation Administration is issuing this AD to provide the flightcrew with procedures to recover from or work around these software anomalies during flight, which could lead to an airplane departing from its scheduled flight path, and result in possible collision with other aircraft or terrain.

**Compliance**

(f) You are responsible for having the actions required by this AD performed within

the compliance times specified, unless the actions have already been done.

**Revise the Airplane Flight Manual (AFM)**

(g) Within 14 days after the effective date of this AD, revise the Limitations section of the applicable AFM to include the information in the applicable service information letter (SIL) specified in Table 2 of this AD.

TABLE 2—SERVICE INFORMATION

Honeywell Service Information Letter—	Revision—	Model—	Dated—
D201002000007 .....	Original .....	PC-12/47E airplanes .....	February 16, 2010.
D201002000051 .....	1 .....	ERJ 170 and ERJ 190 airplanes .....	March 26, 2010.
D201002000052 .....	Original .....	ERJ 170 and ERJ 190 airplanes .....	March 3, 2010.

**Note 1:** The actions required by paragraph (g) of this AD may be done by inserting a copy of the applicable SIL specified in Table 2 of this AD into the applicable AFM. When the applicable SIL has been included in the general revisions of the applicable AFM, the general revisions may be inserted into the AFM, provided the relevant information in the general revision is identical to that in the SIL.

**Alternative Methods of Compliance (AMOCs)**

(h) The manager of the office having certificate responsibility for the affected

airplanes has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any approved AMOC on any aircraft to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(1) *For transport airplanes:* Send information to ATTN: Chip Adam, Flight Test Pilot, Flight Test Branch, ANM-160L, FAA, Los Angeles Aircraft Certification

Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5369; fax (562) 627-5210.

(2) *For small airplanes:* Send information to ATTN: Doug Rudolph, Aerospace Engineer, Small Airplane Directorate, FAA, 901 Locust Street, Room 301, Kansas City, Missouri 64106; telephone (816) 329-4059; fax (816) 329-4090.

**Material Incorporated by Reference**

(i) You must use the applicable service information contained in Table 3 of this AD to do the actions required by this AD, unless the AD specifies otherwise.

TABLE 3—MATERIAL INCORPORATED BY REFERENCE

Document	Revision	Date
Honeywell Service Information Letter D201002000007 .....	Original .....	February 16, 2010.
Honeywell Service Information Letter D201002000051 .....	1 .....	March 26, 2010.
Honeywell Service Information Letter D201002000052 .....	Original .....	March 3, 2010.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Honeywell Technical Operations Center, 1444 E. Sky Harbor Circle, Phoenix, Arizona 85034; telephone 602-365-3099 or 800-601-3099; fax 602-365-3343; e-mail [AeroTechSupport@Honeywell.com](mailto:AeroTechSupport@Honeywell.com); Internet <http://portal.honeywell.com/wps/portal/aero>.

(3) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Renton, Washington on April 8, 2010.

**Ali Bahrami,**

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

[FR Doc. 2010-9090 Filed 4-28-10; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

**[Docket No. FAA-2009-0525; Directorate Identifier 2009-NM-027-AD; Amendment 39-16275; AD 2010-09-10]**

**RIN 2120-AA64**

**Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are superseding an existing airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of

another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

AD CF-2002-12 [which corresponds to FAA AD 2003-04-21, amendment 39-13070] mandated installation of revised overwing emergency exit placards showing that the exit door should be opened and disposed from a seated position. However, it was later discovered that the new placards illustrated an incorrect hand position for removal of the exit upper handle cover. These incorrect instructions could cause difficulty or delay when opening the overwing emergency exit.

As a result, the timely and safe evacuation of passengers and crew may be impeded. We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective June 3, 2010.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 3, 2010.

On April 4, 2003 (68 FR 9509, February 28, 2003), the Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Christopher Alfano, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7340; fax (516) 794-5531.

#### **SUPPLEMENTARY INFORMATION:**

#### **Discussion**

We issued a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That supplemental NPRM was published in the **Federal Register** on December 23, 2009 (74 FR 68198), and proposed to supersede AD 2003-04-21, Amendment 39-13070 (68 FR 9509, February 28, 2003). That supplemental NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

AD CF-2002-12 [which corresponds to FAA AD 2003-04-21] mandated installation of revised overwing emergency exit placards showing that the exit door should be opened and disposed from a seated position.

However, it was later discovered that the new placards illustrated an incorrect hand position for removal of the exit upper handle cover. These incorrect instructions could cause difficulty or delay when opening the overwing emergency exit.

As a result, the timely and safe evacuation of passengers and crew may be impeded. The required actions include replacing the incorrect placards with revised placards. You may obtain further information by examining the MCAI in the AD docket.

#### **Comments**

We gave the public the opportunity to participate in developing this AD. We considered the comment received from the only commenter.

#### **Request To Refer to Updated Service Information**

Air Wisconsin requests that we update the supplemental NPRM to refer to the most recent service information. Air Wisconsin notes that Bombardier Service Bulletin 601R-11-088, Revision A, dated March 24, 2009, has been revised. Bombardier has issued Service Bulletin 601R-11-088, Revision B, dated November 17, 2009.

We agree to refer to the latest service information. We have determined that the actions specified in the revised service bulletin are essentially identical to the actions specified in Bombardier Service Bulletin 601R-11-088, Revision A, dated March 24, 2009. We have revised paragraphs (h) and (k) of this AD to refer to Bombardier Service Bulletin 601R-11-088, Revision B, dated November 17, 2009. We have revised paragraph (i) of this AD to also give credit for actions done in accordance with Bombardier Service Bulletin 601R-11-088, Revision A, dated March 24, 2009.

#### **Explanation of Change Made to This AD**

We have revised this AD to identify the legal name of the manufacturer as published in the most recent type certificate data sheet for the affected airplane models.

#### **Conclusion**

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

#### **Differences Between This AD and the MCAI or Service Information**

We have reviewed the MCAI and related service information and, in general, agree with their 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 and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a Note within the AD.

#### **Explanation of Change to Costs of Compliance**

After the supplemental NPRM was issued, we reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary to increase the labor rate used in these calculations from \$80 per work hour to \$85 per work hour. The cost impact information, below, reflects this increase in the specified hourly labor rate.

#### **Costs of Compliance**

We estimate that this AD will affect 664 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is \$85 per work-hour. Required parts will cost about \$128 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$141,432, or \$213 per product.

#### **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 this AD:

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

### Examining the AD Docket

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

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, 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 removing Amendment 39–13070 (68 FR 9509, February 28, 2003) corrected at 68 FR 14309, March 25, 2003, and adding the following new AD:

**2010–09–10 Bombardier, Inc.:** Amendment 39–16275. Docket No. FAA–2009–0525; Directorate Identifier 2009–NM–027–AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective June 3, 2010.

#### Affected ADs

(b) This AD supersedes AD 2003–04–21 R1, Amendment 39–13070.

#### Applicability

(c) This AD applies to Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category, serial numbers 7003 and subsequent.

#### Subject

(d) Air Transport Association (ATA) of America Code 11: Placards and markings.

#### Reason

(e) The mandatory continuing airworthiness information (MCAI) states: AD CF–2002–12 [which corresponds to FAA AD 2003–04–21, amendment 39–13070] mandated installation of revised overwing emergency exit placards showing that the exit door should be opened and disposed from a seated position. However, it was later discovered that the new placards illustrated an incorrect hand position for removal of the exit upper handle cover. These incorrect instructions could cause difficulty or delay when opening the overwing emergency exit. As a result, the timely and safe evacuation of passengers and crew may be impeded. The required action includes replacing the incorrect placards with revised placards.

#### Restatement of Certain Requirements of AD 2003–04–21 R1

(f) Unless already done, for airplanes identified in Table 1 of this AD, within 12 months after April 4, 2003 (the effective date of AD 2003–04–21 R1), replace the door weight placards, and no-baggage placards with new placards (including cleaning of the applicable surface), as applicable, per Bombardier Alert Service Bulletin A601R–11–077, Revision A, dated December 11, 2001, excluding Service Bulletin Comment Sheet—Facsimile Reply Sheet and CRJ 100/200 Service Bulletin Compliance Facsimile Reply Sheet.

TABLE 1—SERIAL NOS.

Serial Nos.
7003 through 7434 inclusive.
7436 through 7442 inclusive.
7444 through 7452 inclusive.
7454 through 7458 inclusive.
7460 through 7497 inclusive.
7499 through 7504 inclusive.

(g) Replacement accomplished before April 4, 2003, per Bombardier Alert Service Bulletin A601R–11–077, dated July 12, 2001, is considered acceptable for compliance with the replacement specified in paragraph (f) of this AD.

### New Requirements of This AD

#### Actions and Compliance

(h) Unless already done, within 24 months after the effective date of this AD, replace the existing overwing emergency exit placards with new placards in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 601R–11–088, Revision B, dated November 17, 2009.

(i) Replacing the overwing emergency exit placards with new placards before the effective date of this AD in accordance with Bombardier Service Bulletin 601R–11–088, dated June 25, 2008; or Revision A, dated March 24, 2009; is considered acceptable for compliance with the corresponding action specified in this AD.

### FAA AD Differences

**Note 1:** This AD differs from the MCAI and/or service information as follows: The MCAI applicability includes certain airplanes. This AD expands the applicability to include serial numbers 7003 and subsequent.

### Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification 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: Program Manager, ANE–170, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York, 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD. AMOCs approved previously in accordance with AD 2003–04–21, Amendment 39–13070, are approved as AMOCs for the corresponding provisions of this AD.

(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**

(k) Refer to MCAI Canadian Airworthiness Directive CF-2009-02, dated January 19, 2009; Bombardier Alert Service Bulletin A601R-11-077, Revision A, dated December 11, 2001; and Bombardier Service Bulletin 601R-11-088, Revision B, dated November 17, 2009; for related information.

**Material Incorporated by Reference**

(l) You must use Bombardier Service Bulletin 601R-11-088, Revision B, dated November 17, 2009; and Bombardier Alert Service Bulletin A601R-11-077, Revision A, dated December 11, 2001, excluding Service Bulletin Comment Sheet—Facsimile Reply Sheet and CRJ 100/200 Service Bulletin Facsimile Reply Sheet; as applicable; to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of Bombardier Service Bulletin A601R-11-088, Revision B, dated November 17, 2009, under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The Director of the Federal Register previously approved the incorporation by reference of Bombardier Alert Service Bulletin A601R-11-077, Revision A, dated December 11, 2001, excluding Service Bulletin Comment Sheet—Facsimile Reply Sheet and CRJ 100/200 Service Bulletin Compliance Facsimile Reply Sheet, on April 4, 2003 (68 FR 9509, February 28, 2003).

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; e-mail [thd.crj@aero.bombardier.com](mailto:thd.crj@aero.bombardier.com); Internet <http://www.bombardier.com>.

(4) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221 or 425-227-1152.

(5) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Renton, Washington on April 16, 2010.

**Ali Bahrami,**

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 2010-9594 Filed 4-28-10; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 522**

[Docket No. FDA-2010-N-0002]

**Implantation or Injectable Dosage Form New Animal Drugs; Butorphanol**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an original abbreviated new animal drug application (ANADA) filed by Modern Veterinary Therapeutics, LLC. The ANADA provides for use of an injectable solution of butorphanol tartrate in cats for the relief of pain.

**DATES:** This rule is effective April 29, 2010.

**FOR FURTHER INFORMATION CONTACT:** John K. Harshman, Center for Veterinary Medicine (HFV-170), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240-276-8197, e-mail: [john.harshman@fda.hhs.gov](mailto:john.harshman@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Modern Veterinary Therapeutics, LLC, 1550 Madruga Ave., suite 329, Coral Gables, FL 33146, filed ANADA 200-446 for the use of BUTORPHINE (butorphanol tartrate, USP) Veterinary Injection in cats for the relief of pain. Modern Veterinary Therapeutics' BUTORPHINE Veterinary Injection is approved as a generic copy of TORBUGESIC-SA (butorphanol tartrate, USP) Veterinary Injection, approved under NADA 141-047 held by Fort Dodge Animal Health, Division of Wyeth, a wholly owned subsidiary of Pfizer, Inc. The ANADA is approved as of March 26, 2010, and the regulations in 21 CFR 522.246 are amended to reflect the approval.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

FDA has determined under 21 CFR 25.33 that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an

environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

**List of Subjects in 21 CFR Part 522**

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

**PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS**

■ 1. The authority citation for 21 CFR part 522 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

**§ 522.246 [Amended]**

■ 2. In paragraph (b)(2) of § 522.246, remove "No. 059130" and in its place add "Nos. 015914 and 059130".

Dated: April 23, 2010.

**William T. Flynn,**

Acting Director, Center for Veterinary Medicine.

[FR Doc. 2010-9871 Filed 4-28-10; 8:45 am]

**BILLING CODE 4160-01-S**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 228**

[EPA-R10-OW-2010-0086; FRL-9143-2]

**Ocean Dumping; Designation of Ocean Dredged Material Disposal Sites Offshore of the Siuslaw River, Oregon**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This action finalizes the designation of the Siuslaw River ocean dredged material disposal sites pursuant to the Marine Protection, Research and Sanctuaries Act, as amended (MPRSA). The new sites are needed primarily to serve the long-term need for a location to dispose of material dredged from the Siuslaw River navigation channel, and to provide a location for the disposal of dredged material for persons who have received a permit for such disposal. The newly designated sites will be subject to ongoing monitoring and management to ensure continued protection of the marine environment.