

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 161

[Docket No. APHIS-2006-0093]

RIN 0579-AC04

#### National Veterinary Accreditation Program; Currently Accredited Veterinarians Performing Accredited Duties and Electing to Participate

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule; extension of period for election to participate.

**SUMMARY:** We are announcing to the public that veterinarians who are currently accredited in the National Veterinary Accreditation Program (NVAP) may continue to perform accredited duties and to elect to continue to participate in the NVAP until further notice. The regulations indicate that currently accredited veterinarians must elect to continue their participation in the NVAP in order to maintain their accredited status, after which we will confirm their continued participation and notify them of their first renewal date. Various logistical obstacles have prevented us from processing in a timely manner the elections to participate that we have received. Allowing currently accredited veterinarians to continue to perform accredited duties and to elect to participate will ensure that we obtain an accurate and complete record of accredited veterinarian participation while continuing to allow veterinarians to provide accredited services to the public.

**EFFECTIVE DATE:** September 28, 2010.

**FOR FURTHER INFORMATION CONTACT:** Dr. Todd Behre, National Veterinary

Accreditation Program, VS, APHIS, 4700 River Road Unit 200, Riverdale, MD 20737; (301) 851-3401.

**SUPPLEMENTARY INFORMATION:** The regulations in 9 CFR chapter I, subchapter J (parts 160 through 162, referred to below as the regulations), govern the accreditation of veterinarians and the suspension and revocation of such accreditation. These regulations are the foundation for the National Veterinary Accreditation Program (NVAP). Accredited veterinarians are approved by the Administrator of the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, to perform certain regulatory tasks to control and prevent the spread of animal diseases throughout the United States and internationally.

On December 9, 2009 (74 FR 64998-65013, Docket No. APHIS-2006-0093), we published a final rule in the **Federal Register** that amended the regulations to establish two accreditation categories in place of the former single category, to add requirements for supplemental training and renewal of accreditation, and to offer program certifications. The final rule was effective February 1, 2010, a date intended to give us time to prepare to implement the new regulations, which affect about 71,000 veterinarians who are currently accredited.

Section 161.3 of the final rule contained the requirements for supplemental training and renewal of accreditation. Because accredited veterinarians have not previously been required to renew their accreditation or complete supplemental training, we established in paragraph (d) of § 161.3 a process allowing currently accredited veterinarians to determine whether they wished to continue to participate in the NVAP.

Paragraph (d) of § 161.3 states that veterinarians who are accredited as of February 1, 2010, may continue to perform accredited duties between February 1, 2010, and the date of their first renewal. In accordance with paragraph (d), APHIS provided notice for 3 months to accredited veterinarians who were accredited as of February 1, 2010, to notify them that they must elect to participate in the NVAP as a Category I or Category II veterinarian. Paragraph (d) requires veterinarians to elect to continue to participate within 3 months

of the end of the notification period, or their accredited status will expire.

Paragraph (d) of § 161.3 goes on to state that when APHIS receives notice from an accredited veterinarian that he or she elects to participate, APHIS will notify the accredited veterinarian of his or her date for first renewal. The accredited veterinarian must then complete all the training requirements for renewal, as described in § 161.3, by his or her first renewal date. The notification of the first renewal date was thus intended to be the means by which APHIS notifies an accredited veterinarian that we have received notice that he or she has elected to participate and can thus continue performing accredited duties.

To date, approximately 50,000 veterinarians have elected to continue to participate, and another 10,000 are expected to do so. Processing these elections to continue to participate involves many steps to verify, clarify, and proofread the information provided. At times, we have needed to contact State boards, area offices of the Veterinary Services program, and the accredited veterinarians themselves. As much as possible, we want to clear up any omissions or potential errors so that we have correct information for all accredited veterinarians in our database. Accredited veterinarians provide valuable regulatory services to their communities, allowing agricultural commerce to continue and ensuring that travelers can meet regulatory requirements for pets. It is important that those services continue to be provided.

As a result, we have not yet been able to review all of the forms submitted by accredited veterinarians to elect to continue to participate, ensure that the forms accurately reflect the veterinarians' intent and situation, and provide notice to the veterinarians of their first renewal date. This process is expected to take several more months, during which we will continue to need veterinarians to perform accredited duties.

In addition, we stated in the Background section of the final rule that we will notify veterinarians who routinely perform accredited veterinarian duties and have not yet elected to continue participating as accredited veterinarians, to ensure that such veterinarians do not inadvertently

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