

Authority: 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

**Bombardier, Inc.:** Docket No. FAA–2010–0432; Directorate Identifier 2010–NM–001–AD.

#### Comments Due Date

(a) We must receive comments by June 10, 2010.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Bombardier, Inc. Model DHC–8–201, –202, –301, –311, and –315 airplanes, certificated in any category, having serial numbers 644 through 664 inclusive.

#### Subject

(d) Air Transport Association (ATA) of America Code 28: Fuel.

#### Reason

(e) The mandatory continuing airworthiness information (MCAI) states: During a recent production fuel system test, it was found that all three flapper valves located in each collector tank did not conform to the design requirements, due to the fact that a valve spring was installed on the flapper hinge pin. This valve spring should have been removed prior to installation of the valves.

It was subsequently determined that this condition is restricted to the 21 aircraft listed in the Applicability section above.

With the valve spring installed, the flapper valve is held closed by the valve spring, preventing gravity feed. In the event of scavenge system failure, the collector tank fuel level can no longer be maintained, potentially leading to an in-flight engine shutdown.

In order to ensure adequate fuel transfer to the collector tank at all times, this directive mandates a one-time [detailed] inspection of each of the six flapper valves, removal of the valve spring, if installed, and application of an identification mark on each inspected valve.

#### 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.

#### Actions

(g) Within 1,000 flight hours after the effective date of this AD, do a detailed inspection of each collector tank flapper valve for the presence of a valve spring, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 8–28–54, dated April 22, 2009. If the valve spring is not present, before further flight, apply an identification mark, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 8–28–54, dated April 22, 2009. If the valve spring is present, before further flight, remove the valve spring

and apply an identification mark, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 8–28–54, dated April 22, 2009.

#### FAA AD Differences

**Note 1:** This AD differs from the MCAI and/or service information as follows: No differences.

#### Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, 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, 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.

(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

(i) Refer to MCAI Canadian Airworthiness Directive CF–2009–40, dated November 9, 2009; and Bombardier Service Bulletin 8–28–54, dated April 22, 2009; for related information.

Issued in Renton, Washington, on April 16, 2010.

#### Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–9573 Filed 4–23–10; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2009–1011; Airspace Docket No. 09–ANM–19]

#### Proposed Establishment of Class E Airspace; Bryce Canyon, UT

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

**ACTION:** Supplemental notice of proposed rulemaking (SNPRM).

**SUMMARY:** This SNPRM elicits comments addressing the proposed establishment of Class E surface airspace at Bryce Canyon Airport, Bryce Canyon, UT. In a NPRM published in the **Federal Register** November 18, 2009, the FAA proposed only to establish Class E airspace extending upward from 700 feet above the surface, to accommodate aircraft using new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) at the airport. This action would increase safety within the National Airspace System.

**DATES:** Comments must be received on or before June 10, 2010.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone (202) 366–9826. You must identify FAA Docket No. FAA–2009–1011; Airspace Docket No. 09–ANM–19, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203–4537.

#### SUPPLEMENTARY INFORMATION:

#### History

On November 18, 2009, the FAA published in the **Federal Register** a NPRM to establish Class E airspace, extending upward from 700 feet or more above the surface, at Bryce Canyon Airport, Bryce Canyon, UT (74 FR 59492). The comment period closed January 4, 2010. Two comments were received.

Both commenters recommended establishing Class E surface airspace for aircraft safety. The FAA found merit in

their comments, and, therefore, seeks comments on the proposal for establishment of Class E surface airspace in this SNPRM.

#### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2009–1011 and Airspace Docket No. 09–ANM–19) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: “Comments to FAA Docket No. FAA–2009–1011 and Airspace Docket No. 09–ANM–19.” The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA’s Web page at [http://www.faa.gov/airports\\_airtraffic/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9 a.m. and 5

p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue, SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRM’s should contact the FAA’s Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

#### The Supplemental Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E surface airspace at Bryce Canyon, UT, in concert with Class E airspace extending upward from 700 feet above the surface, to accommodate aircraft using the new RNAV (GPS) SIAPs at Bryce Canyon Airport. This action would enhance the safety and management of IFR operations at the airport.

Class E airspace designations are published in paragraph 6002 and 6005, respectively, of FAA Order 7400.9T, signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (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 proposed rule, when promulgated, would 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 U.S. Code. Subtitle 1, section 106, describes the authority for 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 the 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 would establish controlled airspace at Bryce Canyon Airport, Bryce Canyon, UT.

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

Airspace, incorporation by reference, Navigation (air).

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### **§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the FAA Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009 is amended as follows:

*Paragraph 6002 Class E airspace Designated as Surface Areas.*

\* \* \* \* \*

#### **ANM UT E2 Bryce Canyon, UT [New]**

Bryce Canyon Airport, UT  
(Lat. 37°42’23” N., long. 112°08’45” W.)

Within a 4.2-mile radius of Bryce Canyon Airport. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### **ANM UT E5 Bryce Canyon, UT [New]**

Bryce Canyon Airport, UT  
(Lat. 37°42’23” N., long. 112°08’45” W.)

That airspace extending upward from 700 feet above the surface within 8 miles each side of the 047° and 227° bearing from the airport, extending 18 miles northeast and 15.9 miles southwest of the airport.

Issued in Seattle, Washington, on April 16, 2010.

**Clark Desing,**

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2010-9614 Filed 4-23-10; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 943**

[SATS No. TX-059-FOR; Docket ID: OSM-2010-0001]

**Texas Regulatory Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Texas regulatory program (Texas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Texas proposes revisions to its regulations regarding annual permit fees. Texas intends to revise its program to improve operational efficiency.

This document gives the times and locations that the Texas program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

**DATES:** We will accept written comments on this amendment until 4 p.m., c.d.t., May 26, 2010. If requested, we will hold a public hearing on the amendment on May 21, 2010. We will accept requests to speak at a hearing until 4 p.m., c.d.t. on May 11, 2010.

**ADDRESSES:** You may submit comments, identified by Docket No. TX-059-FOR, by any of the following methods:

- *E-mail:* [aclayborne@osmre.gov](mailto:aclayborne@osmre.gov).

Include "Docket No. TX-059-FOR" in the subject line of the message.

- *Mail/Hand Delivery:* Alfred L. Clayborne, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128-4629.

- *Fax:* (918) 581-6419.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

**Instructions:** All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Comment Procedures" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

**Docket:** For access to the docket to review copies of the Texas program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Tulsa Field Office or going to <http://www.regulations.gov>. Alfred L. Clayborne, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128-4629, Telephone: (918) 581-6430, E-mail: [aclayborne@osmre.gov](mailto:aclayborne@osmre.gov).

In addition, you may review a copy of the amendment during regular business hours at the following location: Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue, Capitol Station, P.O. Box 12967, Austin, Texas 78711-2967, Telephone: (512) 463-6900.

**FOR FURTHER INFORMATION CONTACT:**

Alfred L. Clayborne, Director, Tulsa Field Office. Telephone: (918) 581-6430. E-mail: [aclayborne@osmre.gov](mailto:aclayborne@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Texas Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

**I. Background on the Texas Program**

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, "a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act \* \* \*; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act." See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Texas program effective February 16, 1980. You can find background information on the Texas program, including the Secretary's findings, the disposition of

comments, and the conditions of approval of the Texas program in the February 27, 1980, **Federal Register** (45 FR 12998). You can also find later actions concerning the Texas program and program amendments at 30 CFR 943.10, 943.15 and 943.16.

**II. Description of the Proposed Amendment**

By letter dated January 5, 2010 (Administrative Record No. TX-666), Texas sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*) at its own initiative. Below is a summary of the changes proposed by Texas. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

Texas proposes to revise its regulation at 16 Texas Administrative Code (TAC) section 12.108(b) regarding annual permit fees by:

- (1) Decreasing the amount of the fee for each acre of land within the permit area on which coal or lignite was actually removed during the calendar year,
- (2) Increasing the amount of the fee for each acre of land within a permit area covered by a reclamation bond on December 31st of the year, and
- (3) Increasing the amount of the fee for each permit in effect on December 31st of the year.

Texas fully funds its 50% state share of costs to regulate the coal mining industry with fees paid by the coal industry. Texas charges various fees to meet these costs including permit application fees, and annual fees for lands in various stages of mining and reclamation. The proposed fee revisions are intended to provide incentives for industry to accomplish reclamation and achieve bond release as quickly as possible. This would be achieved by decreasing the fee per acre where coal or lignite is removed, and increasing both the fee for each acre under permit and the fee for each permit which remains active on December 31st of each year. By making these changes, companies are encouraged to make every effort to achieve bond release before the end of each year.

**III. Public Comment Procedures**

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.