

Dated: August 17, 2011.

**Pearlie S. Reed,**

*Assistant Secretary for Administration, U.S.  
Department of Agriculture.*

[FR Doc. 2011-21694 Filed 8-26-11; 8:45 am]

**BILLING CODE 3410-93-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2011-0597; Directorate Identifier 2011-CE-019-AD; Amendment 39-16793; AD 2011-18-11]

**RIN 2120-AA64**

**Airworthiness Directives; Viking Air Limited (Type Certificate No. A-815 Formerly Held by Bombardier Inc. and de Havilland, Inc.)**

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

**ACTION:** Final rule.

**SUMMARY:** We are superseding an existing airworthiness directive (AD) for all Viking Air Limited (type certificate No. A-815 formerly held by Bombardier Inc. and de Havilland, Inc.) Model DHC-3 airplanes. That AD currently requires repetitively inspecting the elevator control tabs for discrepancies, taking necessary corrective actions to bring all discrepancies within acceptable tolerances, and reporting certain inspection results to the FAA. This new AD retains the actions currently required in AD 2011-05-02 and removes the Supplemental Type Certificate (STC) SA01059SE condition in the Applicability section. This AD was prompted by our determination that we inadvertently omitted certain airplanes from the Applicability section. We are issuing this AD to correct the unsafe condition on these products. **DATES:** This AD is effective October 3, 2011.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of March 31, 2011 (76 FR 10220, February 24, 2011).

**ADDRESSES:** For information about the revisions to the FAA-approved maintenance/inspection program identified in this AD, contact Viking Air Ltd., 9574 Hampden Road, Sidney, BC Canada V8L 5V5; telephone: (800) 663-8444; Internet: <http://www.vikingair.com>. You may review copies of the referenced revisions at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816-329-4148.

#### 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 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:** George Duckett, Aerospace Engineer, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone: (516) 228-7325; fax: (516) 794-5531; email: [george.duckett@faa.gov](mailto:george.duckett@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2011-05-02,

Amendment 39-16611 (76 FR 10220, February 24, 2011). That AD applies to the specified products. The NPRM published in the **Federal Register** on June 10, 2011 (76 FR 34011). That NPRM proposed to retain all of the requirements of AD 2011-05-02 and add airplanes to the Applicability section removing the Supplemental Type Certificate (STC) SA01059SE condition.

#### Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

#### Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

#### Interim Action

We are continuing to evaluate the cause of the unsafe condition identified in this AD to enable us to obtain better insight into the nature, cause, and extent of excessive free-play in the elevator control tabs. Based on this evaluation, we may consider further rulemaking.

#### Costs of Compliance

We estimate that this AD affects 65 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection .....	1 work-hour × \$85 per hour = \$85 per inspection cycle.	Not applicable .....	\$85 per inspection cycle .....	\$5,525 per inspection cycle.

We estimate the following costs to do any necessary follow-on actions that

will be required based on the results of the inspection. We have no way of

determining the number of airplanes that may need this repair/replacement:

#### ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Minimum repair .....	1 work-hour × \$85 per hour = \$85 .....	\$50	\$135

## ON-CONDITION COSTS—Continued

Action	Labor cost	Parts cost	Cost per product
Moderate repair .....	3 work-hours × \$85 per hour = \$255 .....	150	405
Maximum repair .....	6 work-hours × \$85 per hour = \$510 .....	450	960

**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 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 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),

(3) Will not affect intrastate aviation in Alaska, and

(4) 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.

**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]**

The FAA amends § 39.13 by removing airworthiness directive (AD) 2011–05–02, Amendment 39–16611 (76 FR 10220, February 24, 2011), and adding the following new AD:

**2011–18–11 Viking Air Limited (Type Certificate No. A–815 Formerly Held by Bombardier Inc. and de Havilland, Inc.):** Amendment 39–16793; Docket No. FAA–2011–0597; Directorate Identifier 2011–CE–019–AD.

**(a) Effective Date**

This airworthiness directive (AD) is effective October 3, 2011.

**(b) Affected ADs**

This AD supersedes AD 2011–05–02, Amendment 39–16611 (76 FR 10220, February 24, 2011).

**(c) Applicability**

This AD applies to Viking Air Limited (type certificate No. A–815 formerly held by Bombardier Inc. and de Havilland, Inc.) Model DHC–3 airplanes, all serial numbers, that are certificated in any category.

**(d) Subject**

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 27, Flight Controls.

**(e) Unsafe Condition**

This AD results from an evaluation of revisions to the manufacturer's maintenance manual that adds new repetitive inspections to the elevator control tabs. To require compliance with these inspections for U.S. owners and operators we are mandating these inspections through the rulemaking process. We are issuing this AD to add new repetitive inspections of the elevator control tabs. If these inspections are not done, excessive free-play in the elevator control tabs could develop. This condition could lead to loss of tab control linkage and severe elevator flutter. Such elevator flutter could lead to possible loss of control.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

Actions	Compliance	Procedures
(1) Inspect the elevator control tabs for discrepancies.	(i) <i>For airplanes previously affected by AD 2011–05–02 (76 FR 10220, February 24, 2011):</i> Initially within the next 50 hours time-in-service (TIS) after March 31, 2011 (the effective date retained from AD 2011–05–02). (ii) <i>For airplanes not previously affected by AD 2011–05–02 (76 FR 10220, February 24, 2011):</i> Initially within the next 50 hours time-in-service (TIS) after October 3, 2011 (the effective date of this AD). (iii) <i>For all affected airplanes:</i> Repetitively thereafter inspect at intervals not to exceed 100 hours TIS.	Following Viking DHC–3 Otter Maintenance Manual Temporary Revisions No. 18, No. 19, and No. 20, all dated December 5, 2008.
(2) If any discrepancies are found during any inspection required in paragraph (f)(1) of this AD, take necessary corrective actions to bring all discrepancies within acceptable tolerances.	<i>For all affected airplanes:</i> Before further flight after any inspection required in paragraph (f)(1) of this AD in which discrepancies are found.	Following Viking DHC–3 Otter Maintenance Manual Temporary Revisions No. 18, No. 19, and No. 20, all dated December 5, 2008.

Actions	Compliance	Procedures
(3) If, during any inspection required in paragraph (f)(1) of this AD, the total maximum free play of the elevator servo tab and trim tab relative to the elevator exceeds 1.0 degree (this is equal to a maximum displacement of 0.070" at the trailing edge), report the results of the inspection to the FAA.	<i>For all affected airplanes:</i> Within 30 days after the inspection or within the next 10 days after October 3, 2011 (the effective date of this AD), whichever occurs later. <i>For airplanes previously affected by AD 2011-05-02</i> (76 FR 10220, February 24, 2011): We are collecting these inspection results for 24 months after March 31, 2011 (the effective date retained from AD 2011-05-02). <i>For airplanes not previously affected by AD 2011-05-02</i> (76 FR 10220, February 24, 2011): We are collecting these inspection results for 24 months after October 3, 2011 (the effective date of this AD). The reporting requirements of this AD are no longer required after that time..	Use the form (figure 1 of this AD) and submit it to FAA, Small Airplane Directorate, Attn: Jim Rutherford, 901 Locust, Room 301, Kansas City, Missouri 64106.

## AD 2011-18-11

Airplane Serial Number:	
Time-in-Service (TIS) of Airplane:	
Airplane Engine Type/Model Number/Series Number:	
TIS of Airplane When Current Engine was Installed:	
Date When Current Engine was Installed:	
STC Number that Installed Current Engine (if applicable):	
Out of Tolerance Recording:	
Corrective Action Taken:	
Any Additional Information (Optional):	
Name:	
Telephone and/or Email Address:	
Date:	

Send report to: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; facsimile: (816) 329-4090; e-mail: [jim.rutherford@faa.gov](mailto:jim.rutherford@faa.gov).

**Figure 1****(g) Paperwork Reduction Act Burden Statement**

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800

Independence Ave., SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES-200.

**(h) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, New York Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD.

(2) Before using any approved AMOC, notify your Principal Maintenance Inspector or Principal Avionics Inspector, as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

(3) AMOCs approved for AD 2011-05-02 (76 FR 10220, February 24, 2011) are approved as AMOCs for this AD.

**(i) Related Information**

For more information about this AD, contact George Duckett, Aerospace Engineer,

FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone: (516) 228-7325; fax: (516) 794-5531; email: [george.duckett@faa.gov](mailto:george.duckett@faa.gov).

**(j) Material Incorporated by Reference**

(1) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference (IBR) under 5 U.S.C. 552(a) and 1 CFR part 51 of the following service information on the date specified:

(2) Viking DHC-3 Otter Maintenance Manual Temporary Revision No. 18, Viking DHC-3 Otter Maintenance Manual Temporary Revision No. 19, and Viking DHC-3 Maintenance Manual Temporary Revision No. 20, all dated December 5, 2008, approved for IBR March 31, 2011 (76 FR 10220, February 24, 2011).

(3) To get information about the revisions to the maintenance program identified in this AD, contact Viking Air Ltd., 9574 Hampden Road, Sidney, BC Canada V8L 5V5; telephone: (800) 663-8444; Internet: [www.vikingair.com](http://www.vikingair.com).

(4) You may review copies of the referenced revisions at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816-329-4148.

(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 an NARA facility, 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 Kansas City, Missouri, on August 19, 2011.

**John Colomy,**

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

[FR Doc. 2011-21876 Filed 8-26-11; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2011-0427; Airspace Docket No. 11-AGL-7]

#### Amendment of Class E Airspace; Gary, IN

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace for Gary, IN, to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Gary/Chicago International Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport. This action also updates the airport name.

**DATES:** *Effective date:* 0901 UTC, December 15, 2011. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 321-7716.

#### SUPPLEMENTARY INFORMATION:

##### History

On May 18, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace for Gary, IN, creating additional

controlled airspace at Gary/Chicago International Airport (76 FR 28686) Docket No. FAA-2011-0427. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9U dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

#### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by creating additional Class E airspace extending upward from 700 feet above the surface for new standard instrument approach procedures at Gary/Chicago International Airport, Gary, IN. This action also updates the airport name from Gary Regional Airport to Gary/Chicago International Airport, Gary, IN. This action is necessary for the safety and management of IFR operations at the airport.

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. Therefore, this 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 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 U.S. Code. Subtitle 1, 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

controlled airspace for Gary/Chicago International Airport, Gary, IN.

#### List 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 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 Part 71.1 of the Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010, is amended as follows:

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

\* \* \* \* \*

#### AGL IN E5 Gary, IN [Amended]

Gary/Chicago International Airport, IN (Lat. 41°36′59″ N., long. 87°24′46″ W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Gary/Chicago International Airport, and within 2 miles each side of the 124° bearing from the airport extending from the 6.7-mile radius to 11.6 miles southeast of the airport.

Issued in Fort Worth, Texas, on August 17, 2011.

**Walter L. Tweedy,**

*Acting Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2011-21908 Filed 8-26-11; 8:45 am]

**BILLING CODE 4910-13-P**

## FEDERAL TRADE COMMISSION

### 16 CFR Part 310

**RIN 3084-AA98**

#### Telemarketing Sales Rule Fees

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Trade Commission (the Commission or “FTC”) is amending its Telemarketing Sales Rule (“TSR”) by updating the fees