

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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed 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 a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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 adding the following new AD:

**Empresa Brasileira de Aeronautica S.A. (EMBRAER);** Docket No. FAA-2010-1023; Directorate Identifier 2010-CE-055-AD.

#### Comments Due Date

(a) We must receive comments by November 29, 2010.

#### Affected ADs

(b) None.

### Applicability

(c) This AD applies to Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 airplanes, serial numbers 50000005 thru 50000105, certificated in any category.

### Subject

(d) Air Transport Association of America (ATA) Code 92: Wiring Elements.

### Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

It has been detected a short circuit in harness W101 due to its interference with the main door mechanism. Further analysis of the affected region has also revealed the possibility of chafing between the same harness and the oxygen tubing. The chafing of the wiring harness against the oxygen tubing could lead to a short circuit of the wiring harness and a subsequent fire in the airplane.

Since this condition may occur in other airplanes of the same type and affects flight safety, a corrective action is required. Thus, sufficient reason exists to request compliance with this AD in the indicated time limit.

The MCAI requires installing clamps to the W101 wiring harness.

### Actions and Compliance

(f) Unless already done, within 600 hours time-in-service (TIS) after the effective date of this AD or within 12 months after the effective date of this AD, whichever comes first, install clamps and protection sleeves to harness W101 within the cockpit area and rework structures to eliminate the fretting spots of the harness with the main door locking mechanism and with the oxygen tube. Do the installation following Empresa Brasileira de Aeronautica S.A. (EMBRAER) Service Bulletin No. SB 500-24-0002, dated March 8, 2010.

### FAA AD Differences

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

### Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards 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: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; fax: (816) 329-4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(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

(h) Refer to MCAI Agência Nacional de Aviação Civil—Brazil (ANAC), AD No.: 2010-09-02, dated October 17, 2010; and Empresa Brasileira de Aeronautica S.A. (EMBRAER) Service Bulletin No. SB 500-24-0002, dated March 8, 2010, for related information.

Issued in Kansas City, Missouri, on October 7, 2010.

**James E. Jackson,**

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

[FR Doc. 2010-25924 Filed 10-14-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 117 and 121

[Docket No. FAA-2009-1093; Notice No. 10-11]

RIN 2120-AJ58

### Flightcrew Member Duty and Rest Requirements

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

**ACTION:** Response to requests for a comment period extension.

**SUMMARY:** The FAA published a Notice of Proposed Rulemaking (NPRM) on September 14, 2010, to amend its existing flight, duty and rest regulations applicable to certificate holders and their flightcrew members. The FAA has received several requests from stakeholders to extend the comment period for filing comments to the proposed rule. This notice provides the FAA's response to those requests. **DATES:** The comment period for the NPRM published on September 14, 2010, at 75 FR 55852, closes on November 15, 2010.

**ADDRESSES:** You may send comments to the NPRM identified by Docket Number FAA-2009-1093, using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M-30, U.S. Department of

Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

- **Fax:** Fax comments to Docket Operations at 202-493-2251.

- **Hand Delivery:** Bring comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. For more information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**Privacy:** We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://DocketsInfo.dot.gov>.

**Docket:** To read background documents or comments received, go to <http://www.regulations.gov> at any time or to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Shirley Stroman, ARM-104, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; e-mail [shirley.stroman@faa.gov](mailto:shirley.stroman@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **Comments Invited**

You may refer to the NPRM published in the **Federal Register** (75 FR 55852) on September 14, 2010 for detailed instructions on filing your comments to the proposed rule and how we will handle them.

#### **Availability of Rulemaking Documents**

You can get an electronic copy using the Internet by:

- (1) Searching the Federal eRulemaking Portal at <http://www.regulations.gov>;

- (2) Visiting the Office of Rulemaking's Web page at <http://www.faa.gov/avr/arm/index.cfm>; or

- (3) Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/fr/index.html>.

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the docket number, notice number, or amendment number of this rulemaking.

#### **Background**

On September 14, 2010, the FAA published an NPRM (75 FR 55852) entitled "Flightcrew Member Duty and Rest Requirements." The proposed regulation recognizes the growing similarities between the types of operations and the universality of factors that lead to fatigue in most individuals. Fatigue threatens aviation safety because it increases the risk of pilot error that could lead to an accident. The new requirements, if adopted, would eliminate the current distinctions between domestic, flag and supplemental operations. The proposal provides different requirements based on the time of day, whether an individual is acclimated to a new time zone, and the likelihood of being able to sleep under different circumstances. The NPRM comment period is scheduled to close on November 15, 2010.

Since publication of the NPRM, the FAA has received several petitions to extend the comment period. Requests for extension include those from National Air Carrier Association, Cargo Airline Association (CAA), United Parcel Service (UPS), Atlas Air Worldwide Holdings, Inc., Air Transport Association of America, Inc., (ATA), Air Carrier Association of America, Regional Airline Association, and others. The requests include ones for a 30-day extension, 45-day extension, 60-day extension, and 180-day extension.

In general, the petitioners said the additional time is necessary due to the length and complexity of the NPRM and Regulatory Impact Analysis. Several petitioners, including CAA, UPS, and ATA, also said the recent statutory mandate that requires carriers to submit a Fatigue Risk Management Plan to the FAA by October 30, 2010, will take time and resources away from developing comments to the NPRM.

The FAA has reviewed the requests for an extension of the comment period on the "Flightcrew Member Duty and Rest Requirements" NPRM. While we understand the reasons for these requests, we do not believe an extension is necessary for the reasons stated below.

#### **FAA Response to Comment Period Extension Requests**

In 2009, the FAA established the Flight and Duty Time Limitations and Rest Requirements Aviation Rulemaking Committee (ARC). The ARC provided a forum for the aviation industry to give extensive input on revising current flight and duty time limitations regulations. Therefore, the FAA does not believe it is necessary to extend the comment period for the proposed rule. Consequently, the requests for an extension of the comment period are denied. Also, in the recently passed Airline Safety and Federal Aviation Administration Extension Act of 2010, Congress mandated that the FAA issue a final rule on pilot fatigue by August 1, 2011. To help ensure that we meet this deadline, the FAA must receive comments to its proposed rule by November 15, 2010. However, as stated in Title 14 Code of Federal Regulations § 11.45, we will consider comments filed late if it is possible to do so without incurring expense or delay.

The requests for extension and this Notice will be included in the rulemaking docket.

Issued in Washington, DC, on October 12, 2010.

**Dennis Pratte,**

*Acting Deputy Director, Office of Rulemaking.*

[FR Doc. 2010-26142 Filed 10-14-10; 8:45 am]

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## **DEPARTMENT OF LABOR**

### **Office of Workers' Compensation Programs**

#### **20 CFR Part 701**

**RIN 1240-AA02**

#### **Regulations Implementing the Longshore and Harbor Workers' Compensation Act: Recreational Vessels**

**AGENCY:** Office of Workers' Compensation Programs, Labor.

**ACTION:** Notice of proposed rulemaking; request for comments.

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**SUMMARY:** The Office of Workers' Compensation Programs (OWCP) is republishing the Notice of Proposed Rulemaking entitled Longshore and Harbor Workers' Compensation Act: Recreational Vessels, published on August 17, 2010 (75 FR 50718), and affording the public an additional period for submitting comments. This document contains proposed regulations implementing amendments to the Longshore and Harbor Workers'