

**§ 2425.8 Collaboration and Alternative Dispute Resolution Program.**

The parties may request assistance from the Collaboration and Alternative Dispute Resolution Program (CADR) to attempt to resolve the dispute before or after an opposition is filed. Upon request, and as agreed to by the parties, CADR representatives will attempt to assist the parties to resolve these disputes. If the parties have agreed to CADR assistance, and the time for filing an opposition has not expired, then the Authority will toll the time limit for filing an opposition until the CADR process is completed. Parties seeking information or assistance under this part may call or write the CADR Office at 1400 K Street NW., Washington, DC, 20424. A brief summary of CADR activities is available on the Internet at <http://www.fra.gov>.

**§ 2425.9 Means of clarifying records or disputes.**

When required to clarify a record or when it would otherwise aid in disposition of the matter, the Authority, or its designated representative, may, as appropriate:

(a) Direct the parties to provide specific documentary evidence, including the arbitration record as discussed in 5 CFR 2429.3;

(b) Direct the parties to respond to requests for further information;

(c) Meet with parties, either in person or via telephone or other electronic communications systems, to attempt to clarify the dispute or matters in the record;

(d) Direct the parties to provide oral argument; or

(e) Take any other appropriate action.

**§ 2425.10 Authority decision.**

The Authority shall issue its decision and order taking such action and making such recommendations concerning the award as it considers necessary, consistent with applicable laws, rules, or regulations.

**PART 2429—MISCELLANEOUS AND GENERAL REQUIREMENTS**

2. The authority citation for part 2429 continues to read as follows:

**Authority:** 5 U.S.C. 7134; § 2429.18 also issued under 28 U.S.C. 2122(a).

3. Revise § 2429.5 to read as follows:

**§ 2429.5 Matters not previously presented; official notice.**

The Authority will not consider any material evidence, factual assertions, arguments (including affirmative defenses), requested remedies, or challenges to an awarded remedy that

could have been, but were not, presented in the proceedings before the Regional Director, Hearing Officer, Administrative Law Judge, or arbitrator. The Authority may, however, take official notice of such matters as would be proper.

4. In § 2429.21, revise paragraph (a) to read as follows:

**§ 2429.21 Computation of time for filing papers.**

(a) In computing any period of time prescribed by or allowed by this subchapter, except in agreement bar situations described in § 2422.12(c), (d), (e), and (f) of this subchapter, the day of the act, event, or default from or after which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or a Federal legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or a Federal legal holiday. *Provided, however,* in agreement bar situations described in § 2422.12(c), (d), (e), and (f), if the 60th day prior to the expiration date of an agreement falls on a Saturday, Sunday, or a Federal legal holiday, a petition, to be timely, must be filed by the close of business on the last official workday preceding the 60th day. When the period of time prescribed or allowed is 7 days or less, intermediate Saturdays, Sundays, and Federal legal holidays shall be excluded from the computations.

\* \* \* \* \*

5. Revise § 2429.22 to read as follows:

**§ 2429.22 Additional time after service by mail or commercial delivery.**

Except as to the filing of an application for review of a Regional Director's Decision and Order under § 2422.31 of this subchapter, and subject to the rules set forth in § 2425.2 of this subchapter, whenever a party has the right or is required to do some act pursuant to this subchapter within a prescribed period after service of a notice or other paper upon such party, and the notice or paper is served on such party by mail or commercial delivery, 5 days shall be added to the proscribed period: *Provided, however,* that 5 days shall not be added in any instance where an extension of time has been granted.

Dated: April 26, 2010.

**Carol Waller Pope,**  
*Chairman.*

[FR Doc. 2010-9996 Filed 4-28-10; 8:45 am]

**BILLING CODE 6727-01-P**

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

[Docket No. FAA-2010-0457; Directorate Identifier 2010-CE-019-AD]

RIN 2120-AA64

**Airworthiness Directives; Aircraft Industries a.s. Model L 23 Super Blanik Gliders**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above that would supersede an existing AD. This proposed 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:

Cracks on the stabilizer elevator inner hinges of seven L 23 SUPERBLANIK sailplanes have been detected during an inspection.

This condition, if not corrected, could result in no longer retaining the elevator in place and in jamming of the Pilot's elevator control system, and subsequent loss of elevator control.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by June 14, 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 proposed 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:** Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; fax: (816) 329-4090.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2010-0457; Directorate Identifier 2010-CE-019-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

##### **Discussion**

On March 29, 2010, we issued AD 2010-08-01, Amendment 39-16256 (75 FR 17295; April 6, 2010). That AD required actions intended to address an unsafe condition on the products listed above.

AD 2010-08-01, was issued as an interim action in order to address the need for the immediate inspection of the elevator inner hinges on the stabilizer.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Emergency AD No.: 2010-0037-E, dated March 8, 2010 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products.

The EASA AD allows for repetitively inspecting the elevator inner hinges on the stabilizer for cracks or damage at intervals not to exceed every 1,000 hours time-in-service (TIS), and, if you find any elevator inner hinge on the elevator is cracked or damaged, before further flight, replacing it.

The Administrative Procedure Act does not permit the FAA to "bootstrap" a long-term requirement into an urgent safety of flight action where the rule becomes effective at the same time the public has the opportunity to comment. The short-term action and the long-term action were analyzed separately for justification to bypass prior public notice.

We are issuing this proposed AD to address the requirement that you repetitively inspect the elevator inner hinges on the stabilizer at intervals not to exceed every 1,000 hours TIS.

##### **Relevant Service Information**

Aircraft Industries a.s. has issued Mandatory Bulletin MB No.: L23/052a, dated March 2, 2010. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

##### **FAA's Determination and Requirements of the Proposed 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 proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

##### **Differences Between This Proposed 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 proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a Note within the proposed AD.

##### **Costs of Compliance**

We estimate that this proposed AD will affect 103 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$17,510, or \$170 per product.

In addition, we estimate that any necessary follow-on actions would take about 4 work-hours and require parts costing \$500, for a cost of \$840 per product. We have no way of determining the number of products that may need these actions.

##### **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 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 removing Amendment 39–16256 (75 FR 17295; April 6, 2010), and adding the following new AD:

**Aircraft Industries a.s.:** Docket No. FAA–2010–0457; Directorate Identifier 2010–CE–019–AD.

#### Comments Due Date

(a) We must receive comments by June 14, 2010.

#### Affected ADs

(b) This AD supersedes AD 2010–08–01, Amendment 39–16256.

#### Applicability

(c) This AD applies to Model L 23 Super Blanik Gliders, all serial numbers, certificated in any category.

#### Subject

(d) Air Transport Association of America (ATA) Code 55: Stabilizers.

#### Reason

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

Cracks on the stabilizer elevator inner hinges of seven L 23 SUPERBLANIK sailplanes have been detected during an inspection.

This condition, if not corrected, could result in no longer retaining the elevator in place and in jamming of the Pilot's elevator control system, and subsequent loss of elevator control.

For the reasons stated above, this Emergency AD requires the inspection of the elevator inner hinges, and the accomplishment of the relevant corrective actions as necessary.

#### Actions and Compliance

(f) Unless already done, do the following actions:

(1) Before further flight as of April 6, 2010 (the effective date of AD 2010–08–01), inspect the elevator inner hinges on the stabilizer in accordance with paragraphs A.1., A.2. and A.4. of Aircraft Industries, a.s. Mandatory Bulletin MB No.: L23/052a, dated March 2, 2010.

(2) Repetitively inspect thereafter the elevator inner hinges on the stabilizer in accordance with paragraphs A.1., A.2. and A.4. of Aircraft Industries, a.s. Mandatory Bulletin MB No.: L23/052a, dated March 2, 2010, at intervals not to exceed every 1,000 hours time-in-service.

(3) If, as a result of the inspection required by paragraph (f)(1) or (f)(2) of this AD, you find any elevator inner hinge on the elevator is cracked or damaged, before further flight, replace it in accordance with paragraphs A.3. and A.4. of Aircraft Industries, a.s. Mandatory Bulletin MB No.: L23/052a, dated March 2, 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: Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4130; 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 EASA Emergency AD No.: 2010–0037–E, dated March 8, 2010; and Aircraft Industries, a.s. Mandatory Bulletin MB No.: L23/052a, dated March 2, 2010, for related information.

Issued in Kansas City, Missouri, on April 22, 2010.

**James E. Jackson,**

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

[FR Doc. 2010–9951 Filed 4–28–10; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2010–0257]

RIN 1625–AA00

#### Safety Zone; Private Fireworks, Wilson Creek, Gloucester, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes establishing a safety zone on Wilson Creek in the vicinity of Gloucester, VA in support of a private fireworks event. This action is intended to restrict vessel traffic movement on Wilson Creek to protect mariners from the hazards associated with fireworks displays.

**DATES:** Comments and related material must be received by the Coast Guard on or before June 1, 2010.

**ADDRESSES:** You may submit comments identified by docket number USCG–2010–0257 using any one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>.

- *Fax:* 202–493–2251.

- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or e-mail LT Tiffany Duffy, Chief Waterways Management Division, Sector Hampton Roads, Coast Guard; telephone (757) 668–5580, e-mail [Tiffany.A.Duffy@uscg.mil](mailto:Tiffany.A.Duffy@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

#### SUPPLEMENTARY INFORMATION:

#### Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting