

## 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–2009–0614; Directorate Identifier 2009–NM–045–AD.

### Comments Due Date

(a) We must receive comments by August 21, 2009.

### Affected ADs

(b) None.

### Applicability

(c) This AD applies to the airplanes certificated in any category, identified in paragraphs (c)(1) and (c)(2) of the AD.

(1) EMBRAER Model ERJ 170–100 LR, –100 STD, –100 SE, –100 SU, –200 LR, –200 STD, and –200 SU airplanes, equipped with outboard slat skew sensor part number (P/N) 1702286A or 1702288A.

(2) EMBRAER Model ERJ 190–100 ECJ, –100 LR, –100 IGW, –100 STD, –200 STD, –200 LR, and –200 IGW airplanes, equipped with outboard slat skew sensor P/N 1702286A or 1702288A.

### Subject

(d) Air Transport Association (ATA) of America Code 57: Wings.

### Reason

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

It has been found the occurrence of outboard slat skew sensor failure in open or closed position. The combination of an outboard slat skew sensor failed closed, an outboard slat actuator structural failure (rupture) and its adjacent actuator torque limiter failing high (allows higher loads to the panel structure) occurring in the same slat surface, under normal flight loads, may lead [the] slat surface to detach from the wing with the possibility of hitting and damaging the horizontal stabilizer and elevator, which may affect the airplane controllability.

\* \* \* \* \*

Corrective actions include repetitive operational tests of the outboard slat skew sensor, and replacement with a serviceable outboard slat skew sensor if necessary.

### Actions and Compliance

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

(1) At the applicable compliance time in paragraph (f)(1)(i) or (f)(1)(ii) of this AD: Perform an operational test (OPT) of any outboard slat skew sensor having P/N 1702286A or P/N 1702288A. If any outboard slat skew sensor fails the test, replace the sensor with a serviceable sensor before further flight. Do the actions using a method approved by either the Manager,

International Branch, ANM–116, Transport Airplane Directorate, FAA; or the Agência Nacional de Aviação Civil (ANAC) (or its delegated agent).

(i) For Model ERJ 170 airplanes: Within 1,320 flight hours after the effective date of this AD.

(ii) For Model ERJ 190 airplanes: Within 1,320 flight hours or 12 months after the effective date of this AD, whichever occurs first.

**Note 1:** Guidance about performing the OPT required by paragraph (f)(1) of this AD can be found in Task 27–83–01–710–801–A, “Outboard Slat Skew Sensor—Operational Test,” dated October 28, 2008, of the Embraer 170/175 or 190 Aircraft Maintenance Manual (AMM).

**Note 2:** For the purpose of this AD, an OPT is “A task to determine if an item is fulfilling its intended purpose. Since it is a failure-finding task, it does not require quantitative tolerances.”

**Note 3:** For the purpose of this AD, a serviceable sensor is one that has passed the OPT required by paragraph (f)(1) of this AD.

(2) Repeat the OPT required by paragraph (f)(1) of this AD thereafter at intervals not to exceed 1,320 flight hours.

### FAA AD Differences

**Note 4:** 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, International Branch, ANM–116, Transport Airplane Directorate, 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: Kenny Kaulia, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2848; fax (425) 227–1149. 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, 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 Brazilian Airworthiness Directives 2009–02–02 and 2009–02–03, both dated February 16, 2009, for related information.

Issued in Renton, Washington, on July 2, 2009.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E9–17347 Filed 7–21–09; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### 36 CFR Part 242

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### 50 CFR Part 100

### RIN 1018–AU92

## Subsistence Management Regulations for Public Lands in Alaska; Kenai Peninsula Subsistence Resource Region

**AGENCIES:** Forest Service, Agriculture; Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** We, the Federal Subsistence Board, are withdrawing the proposed rule to amend the regulations governing subsistence use of fish and wildlife in Alaska by creating an additional subsistence resource region for the Kenai Peninsula. We received significant adverse comments on our proposal, and we have decided not to pursue this action.

**DATES:** The proposed rule published at 71 FR 46427, August 14, 2006 and extended at 71 FR 56421, September 27, 2006 is withdrawn effective July 22, 2009.

**FOR FURTHER INFORMATION CONTACT:** For Forest Service questions, contact Calvin H. Casipit, Acting Regional Subsistence Program Leader, USDA–FS Alaska Region, at (907) 586–7918. For Fish and Wildlife Service questions, contact Peter J. Probasco at (907) 786–3888.

### SUPPLEMENTARY INFORMATION:

### Background

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This

program grants a preference for subsistence uses of fish and wildlife resources on Federal public lands and waters in Alaska. The Secretaries first published regulations to carry out this program in the **Federal Register** on May 29, 1992 (57 FR 22940). The Program has subsequently amended these regulations several times. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1–28 and 50 CFR 100.1–28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

#### Federal Subsistence Board

Consistent with subpart B of these regulations, the Departments established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board is made up of:

- Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- Alaska Regional Director, U.S. Fish and Wildlife Service;
- Alaska Regional Director, U.S. National Park Service;
- Alaska State Director, U.S. Bureau of Land Management;
- Alaska Regional Director, U.S. Bureau of Indian Affairs; and
- Alaska Regional Forester, U.S. Forest Service.

Through the Board, these agencies participate in the development of regulations for subparts A, B, and C, which set forth the basic program, and they continue to work together on regularly revising the subpart D regulations, which, among other things, set forth specific harvest seasons and limits.

#### Federal Subsistence Regional Advisory Councils

In administering the program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Regional Council. The Regional Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Regional Council members represent varied geographical, cultural, and user diversity within each region.

#### Kenai Peninsula

The Kenai Peninsula in Alaska has unique fish and wildlife management challenges resulting from intense use of the Peninsula's fish and wildlife by local and nonlocal residents and by nonresidents and from the Board's actions to provide a meaningful subsistence priority for fisheries in Federally managed fresh waters on the Kenai Peninsula. Kenai Peninsula lands primarily under Federal management include the Chugach National Forest and the Kenai National Wildlife Refuge. The Departments published a proposed rule in the **Federal Register** on August 14, 2006 (71 FR 46427), to create a separate subsistence resource region for the Kenai Peninsula and requested public comments until September 18, 2006. On September 27, 2006, we published a document to extend the comment period on this proposed rule until November 9, 2006 (71 FR 56421).

#### Withdrawal of Proposed Rule

During a Southcentral Federal Subsistence Regional Advisory Council meeting held in Anchorage, Alaska on August 24, 2006, we heard significant adverse testimony regarding the creation of a new Kenai Peninsula Subsistence Resource Region. Additionally, the Southcentral Regional Council unanimously recommended against the formation of such a region. Letters from the public also strongly opposed the formation of such a region. Therefore, we are withdrawing the proposed rule.

For the reasons stated above, the Federal Subsistence Board withdraws the proposed rule of August 14, 2006 (71 FR 46427).

Dated: June 18, 2009.

**Peter J. Probasco,**

*Acting Chair, Federal Subsistence Board.*

Dated: June 18, 2009.

**Calvin H. Casipit,**

*Acting Subsistence Program Leader, USDA—Forest Service.*

[FR Doc. E9–17283 Filed 7–21–09; 8:45 am]

**BILLING CODE 3410–11–P, 4310–55–P**

postal products. This document invites public comment on the proposal.

**DATES:** Initial comments due August 21, 2009; reply comments due September 8, 2009.

**ADDRESSES:** Submit comments electronically via the Commission's electronic Filing Online system at <http://www.prc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202–789–6824 and [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

72 FR 63662 (November 9, 2007).

74 FR 27843 (June 11, 2009).

- I. Introduction
- II. Background and Proposed Amendments
- III. Public Representative
- IV. Ordering Paragraphs

#### I. Introduction

This rulemaking is an outgrowth of issues raised in Docket No. R2009–4, the most recent price adjustment filed by the Postal Service and approved by the Commission. The Postal Accountability and Enhancement Act (PAEA), Public Law No. 109–435, 120 Stat. 3198 (2006), affords the Postal Service significant flexibility in setting prices, provided it complies with certain objectives and factors and does not raise rates in excess of an inflation-based cap.

In Order No. 43, the Commission established ratemaking regulations for market dominant and competitive products.<sup>1</sup> In that order, the Commission created a formula to derive a ratemaking authority limitation for the Postal Service based upon the Consumer Price Index for All Urban Consumers (CPI–U) as reported by the Bureau of Labor Statistics (BLS). *Id.* at 47–48, 121–122. The limitation is calculated as the ratio of the most recent 12 month average of the CPI–U to the preceding 12 month average of the CPI–U and subtracting 1. *Id.* As noted in Order No. 43, the BLS began reporting the CPI–U index to three decimal places (when previously it was reported to one decimal place). *Id.* at 48.

#### II. Background and Proposed Amendments

The Commission elected to round the result and express the percentage change in the CPI–U using one decimal place. *Id.* This result was driven by practical considerations. Precision requires both the recent average and the

#### POSTAL REGULATORY COMMISSION

##### 39 CFR Part 3010

[Docket No. RM2009–8; Order No. 246]

##### Postal Rates

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission is proposing to revise a rounding convention used in the statutory price cap calculation for purposes of establishing rates for certain

<sup>1</sup> Docket No. RM2007–1, Order Establishing Ratemaking Regulations for Market Dominant and Competitive Products, October 29, 2007 (Order No. 43).