

**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 Federal Aviation Administration 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]**

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

**2009–21–03 Hamilton Sundstrand Power Systems:** Amendment 39–16040. Docket No. FAA–2009–0247; Directorate Identifier 2009–NE–07–AD.

**Effective Date**

(a) This airworthiness directive (AD) becomes effective November 20, 2009.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Hamilton Sundstrand Power Systems T–62T–46C12 auxiliary power units (APUs). These APUs are installed on, but not limited to, Bombardier Inc. DHC–8–400 series airplanes.

**Unsafe Condition**

(d) This AD results from two reports of APU compartment explosions due to over-fueling of the APU at low revolutions-per-minute during the start sequence. We are issuing this AD to prevent over-fueling of the APU during the start sequence, which could lead to fuel explosion, injury, and damage to the APU and the airplane.

**Compliance**

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

**Software Upgrade of the APU Full-Authority Digital Electronic Controller (FADEC)**

(f) At the next FADEC removal, but no later than 18 months after the effective date of this AD, upgrade the software in the APU FADEC from software version 02.01.000 to version 03.00.000, and change the FADEC part number (P/N) from 4503069E to 4503069F.

(g) Use paragraphs 3.A through 3.F.(2) of the Accomplishment Instructions of Hamilton Sundstrand Power Systems Service Bulletin No. 4503067–49–12, Revision 2, dated March 9, 2009, to do the software upgrade and the FADEC P/N change.

**Alternative Methods of Compliance**

(h) The Manager, Los Angeles Aircraft Certification Office, has the authority to

approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

**Related Information**

(i) Contact Roger Pesuit, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712; e-mail: [roger.pesuit@faa.gov](mailto:roger.pesuit@faa.gov); telephone (562) 627–5251, fax (562) 627–5210, for more information about this AD.

**Material Incorporated by Reference**

(j) You must use Hamilton Sundstrand Power Systems Service Bulletin No. 4503067–49–12, Revision 2, dated March 9, 2009, to perform the actions required by this AD. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Hamilton Sundstrand Technical Publications, One Hamilton Road, Mail Stop: 1A–3–Z63, Windsor Locks, CT 06096–1010; telephone (860) 654–3575, for a copy of this service information. You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Burlington, Massachusetts, on September 30, 2009.

**Peter A. White,**

*Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. E9–24396 Filed 10–15–09; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2009–0404; Airspace Docket No. 09–ACE–5]

**Amendment of Class D and Class E Airspace; Topeka, KS**

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class D and Class E airspace at Forbes Field Airport, Topeka, KS. Additional controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Forbes Field Airport, Topeka, KS. This action also incorporates the Class E extensions to Class D airspace at Forbes Field Airport into the Class D surface area. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at Forbes Field Airport.

**DATES:** 0901 UTC, December 17, 2009.

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 July 30, 2009, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class D and Class E airspace at Topeka, KS (74 FR 37968, Docket No. FAA–2009–0404). 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 D airspace designations are published in paragraph 5000 of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. Class E airspace designations are published in paragraph 6002 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 D and 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 amending Class D and Class E airspace at Forbes Field Airport, Topeka, KS, for the safety and management of IFR operations at the airport. The Class E surface area designated as an extension to a Class D surface area will be added to the Class D airspace area.

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 at Forbes Field Airport, Topeka, KS.

#### 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 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

#### ACE KS D Topeka, Forbes Field Airport, KS [Amended]

Topeka, Forbes Field Airport, KS  
(Lat. 38°57'03" N., long. 95°39'49" W.)  
Topeka, Forbes Field Airport ILS  
(Lat. 38°58'04" N., long. 95°40'50" W.)  
RIPLY LOM

(Lat. 38°53'06" N., long. 95°34'53" W.)

That airspace extending upward from the surface to and including 3,600 feet MSL within a 4.9-mile radius of Forbes Field Airport, and within 2.2 miles each side of the RIPLY LOM 317° bearing extending from the

4.9-mile radius to 5.3 miles northwest of the airport and within 1.8 miles each side of the Forbes Field Airport ILS Localizer southeast course extending from the 4.9-mile radius to 0.9 miles southeast of the RIPLY LOM. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6002 Class E Airspace Designated as Surface Areas*

\* \* \* \* \*

#### ACE KS E2 Topeka, Forbes Field Airport, KS [Amended]

Topeka, Forbes Field Airport, KS  
(Lat. 38°57'03" N., long. 95°39'49" W.)  
Topeka, Forbes Field Airport ILS  
(Lat. 38°58'04" N., long. 95°40'50" W.)  
RIPLY LOM  
(Lat. 38°53'06" N., long. 95°34'53" W.)

Within a 4.9-mile radius of Forbes Field Airport, and within 2.2 miles each side of the RIPLY LOM 317° bearing extending from the 4.9-mile radius to 5.3 miles northwest of the airport and within 1.8 miles each side of the Forbes Field Airport ILS Localizer southeast course extending from the 4.9-mile radius to 0.9 miles southeast of the RIPLY LOM.

*Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D Surface Area*

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#### ACE KS E4 Topeka, Forbes Field, KS [Removed]

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth*

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#### ACE KS E5 Topeka, Forbes Field Airport, KS [Amended]

Topeka, Forbes Field Airport, KS  
(Lat. 38°57'03" N., long. 95°39'49" W.)  
Topeka, Forbes Field Airport ILS  
(Lat. 38°58'04" N., long. 95°40'50" W.)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Forbes Field Airport, and within 3.1 miles each side of the Forbes Field Airport ILS localizer course extending from the 7.4-mile radius to 13 miles southeast of the airport, and within 3.5 miles each side of the Forbes Field Airport ILS localizer course extending from the 7.4-mile radius to 13 miles northwest of the airport.

\* \* \* \* \*

Issued in Fort Worth, Texas, on October 1, 2009.

**Walter L. Tweedy,**

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

[FR Doc. E9–24618 Filed 10–15–09; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2009–0405; Airspace Docket No. 09–ASW–12]

#### Amendment of Class D and Class E Airspace; New Orleans NAS, LA

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class D and Class E airspace at New Orleans NAS, LA. Changes in control tower operating hours and cancellation of the NDB RWY 4 instrument approach for Class E airspace have made this action necessary for the continued safety and management of Instrument Flight Rule (IFR) operations at New Orleans NAS Alvin Callender Field.

**DATES:** 0901 UTC, December 17, 2009. 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 July 31, 2009, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class D and Class E airspace at New Orleans NAS, LA (74 FR 38141, Docket No. FAA–2009–0405). 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 D airspace designations are published in paragraph 5000 of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR Part 71.1. Class E airspace designations are published in paragraph 6002 of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR Part 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.