

actions to the affected customers and clearly advise them, in writing, that such actions will void the FDIC's guarantee with respect to the swept, transferred, or reclassified funds.

* * * * *

■ 5. Amend § 370.7 by revising paragraphs (b) and (c) to read as follows:

§ 370.7 Assessment for the Transaction Account Guarantee program.

* * * * *

(b) *Initiation of assessments.*
Beginning on November 13, 2008 each eligible entity that does not opt out of the transaction account guarantee program on or before December 5, 2008 will be required to pay the FDIC assessments on all deposit amounts in noninterest-bearing transaction accounts calculated in accordance with paragraph (c) of this section.

(c) *Amount of assessment.*

(1) Except as provided in paragraphs (c)(2) and (c)(3) of this section any eligible entity that does not opt out of the transaction account guarantee program shall pay quarterly an annualized 10 basis point assessment on any deposit amounts exceeding the existing deposit insurance limit of \$250,000, as reported on its quarterly Consolidated Reports of Condition and Income, Thrift Financial Report, or Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (each, a "Call Report") in any noninterest-bearing transaction accounts (as defined in § 370.2(h)), including any such amounts swept from a noninterest-bearing transaction account into a noninterest-bearing savings deposit account as provided in § 370.4(c).

(2) For the period after December 31, 2009 through and including June 30, 2010, each participating entity that does not opt out of the transaction account guarantee program in accordance with § 370.5(c)(2) shall pay quarterly a fee based upon its Risk Category rating. The amount of the fee for each such entity is equal to the annualized, TAG assessment rate for the entity multiplied by the amount of the deposits held in noninterest-bearing transaction accounts (as defined in § 370.2(h) and including any amounts swept from a noninterest-bearing transaction account into a noninterest-bearing savings deposit account as provided in § 370.4(c)) that exceed the existing deposit insurance limit of \$250,000, as reported on the entity's most recent quarterly Call Report.

(3) Beginning on July 1, 2010, each participating entity that does not opt out of the transaction account guarantee program shall pay quarterly a fee based upon its Risk Category rating. The

amount of the fee for each such entity is equal to the annualized, TAG assessment rate for the entity multiplied by the aggregate amount of the deposits held in noninterest-bearing transaction accounts (as defined in § 370.2(h) and including any amounts swept from a noninterest-bearing transaction account into a noninterest-bearing savings deposit account as provided in § 370.4(c)) that exceed the existing deposit insurance limit of \$250,000, calculated based upon the average daily balances in such accounts as reported on the entity's most recent quarterly Call Report.

(4) The annualized TAG assessment rates are as follows:

(i) 15 basis points, for the portion of each quarter in which the entity is assigned to Risk Category I;

(ii) 20 basis points, for the portion of each quarter in which the entity is assigned to Risk Category II; and

(iii) 25 basis points, for the portion of each quarter in which the entity is assigned to either Risk Category III or Risk Category IV.

(5) The amount to be reported for each noninterest-bearing transaction account as the average daily balance is the total dollar amount held in such account that exceeds \$250,000 for each calendar day during the quarter divided by the number of calendar days in the quarter. For those days that an office of the reporting institution is closed (e.g., Saturdays, Sundays, or holidays), the amounts outstanding from the previous business day should be used. The total number of accounts to be reported should be calculated on the same basis. Documentation supporting the amounts used in the calculation of the average daily balance amounts must be retained and be readily available upon request by the FDIC or the institution's primary Federal regulator. In addition, all institutions that do not opt of the transaction account guarantee program must establish procedures to gather the necessary daily data beginning July 1, 2010.

(6) An entity's Risk Category is determined in accordance with the FDIC's risk-based premium system described in 12 CFR part 327. The assessments provided in this paragraph (c) shall be in addition to an institution's risk-based assessment imposed under Part 327.

* * * * *

By order of the Board of Directors.
Dated at Washington, DC, this 13th day of April, 2010.

Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.

[FR Doc. 2010-8911 Filed 4-16-10; 8:45 am]

BILLING CODE 6714-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-0329; Directorate Identifier 2009-CE-020-AD; Amendment 39-16264; AD 2009-08-05 R1]

RIN 2120-AA64

Airworthiness Directives; Liberty Aerospace Incorporated Model XL-2 Airplanes

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

ACTION: Final rule.

SUMMARY: We are correcting the address, telephone, and fax information for the reporting requirement in Airworthiness Directive (AD) 2009-08-05, which applies to certain Liberty Aerospace Incorporated Model XL-2 airplanes. AD 2009-08-05 currently requires repetitively inspecting the exhaust muffler for cracks, replacing the exhaust muffler when cracks are found, and reporting the results of the inspections to the FAA. Since AD 2009-08-05 became effective, the FAA's Atlanta Aircraft Certification Office (ACO) moved, which has caused the office personnel problems in receiving fax and mailed copies of the inspection result reports. This document corrects the mailing address, telephone number, and fax information of the Atlanta ACO.

DATES: This final rule is effective April 19, 2010. The compliance date of this AD is April 20, 2009, which is the same as the effective date of AD 2009-08-05.

As of April 20, 2009 (74 FR 16117, April 9, 2009), the Director of the Federal Register approved the incorporation by reference of Liberty Aerospace, Inc. Service Document Critical Service Bulletin (CSB) CSB-09-001, Revision Level B, Revised on March 18, 2009.

ADDRESSES: You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at 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:

—Corey Spiegel, Aerospace Engineer, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; *telephone*: (404) 474-5574; *facsimile*: (404) 474-5606; *e-mail*: corey.spiegel@faa.gov; or
 —Cindy Lorenzen, Aerospace Engineer, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; *telephone*: (404) 474-5524; *facsimile*: (404) 474-5606; *e-mail*: cindy.lorenzen@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

On April 3, 2009, we issued AD 2009-08-05, Amendment 39-15878 (74 FR 16117, April 9, 2009), to require repetitively inspecting the exhaust muffler for cracks, replacing the exhaust muffler when cracks are found, and reporting the results of the inspections to the FAA.

Since AD 2009-08-05 became effective, the FAA's Atlanta Aircraft Certification Office (ACO) moved, which has caused the office personnel problems in receiving fax and mailed copies of the inspection result reports.

Consequently, the FAA sees a need to correct the mailing address, telephone number, and fax information of the Atlanta ACO in AD 2009-08-05 to assure that the inspection results are received and reviewed to help assure the continued operational safety of the affected airplanes. Thus, the FAA is

revising the AD to incorporate the language discussed above and to add the amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

Since this action only corrects the address, telephone number, and fax information for the reporting requirement and does not require any additional actions over that originally required by AD 2009-08-05, it has no adverse economic impact and imposes no additional burden on any person than was already required. Therefore, the FAA has determined that prior notice and opportunity for public comment are unnecessary.

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]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2009-08-05, Amendment 39-15878 (74 FR 16117, April 9, 2009), and adding the following new AD:

2009-08-05 R1 Liberty Aerospace

Incorporated: Amendment 39-16264; Docket No. FAA-2009-0329; Directorate Identifier 2009-CE-020-AD.

Effective Date

(a) This final rule is effective April 19, 2010. The compliance date of this AD is April 20, 2009, which is the same as the effective date of AD 2009-08-05.

Affected ADs

(b) This AD revises AD 2009-08-05.

Applicability

(c) This AD applies to Model XL-2 airplanes, serial numbers 0007, 0009, and subsequent, that are certificated in any category.

Unsafe Condition

(d) This AD is the result of reports that eight cracks have been found in the exhaust muffler during maintenance and service inspections. We are issuing this AD to detect and correct cracks in the exhaust muffler, which could result in carbon monoxide entering the cabin heating system. This condition could lead to incapacitation of the pilot.

Compliance

(e) To address this problem, you must do the following, unless already done:

Actions	Compliance	Procedures
<p>(1) Inspect the following:</p> <ul style="list-style-type: none"> (i) The exhaust muffler for cracks. There are two different exhaust systems available for the affected airplanes. They are: <ul style="list-style-type: none"> (A) Standard exhaust system, part number (P/N) DEL200201-002 that incorporates muffler P/N DEL200201-101; and (B) Reduced sound exhaust system, P/N DEL200201-003 that incorporates muffler P/N 200201-104. (ii) The tail pipe and the tail pipe opening in the lower cowl for a 0.5-inch minimum clearance. (iii) Inspect the propeller for proper propeller clocking position. <p>(2) As a result of the inspections required in paragraphs (e)(1)(ii) and (e)(1)(iii) of this AD:</p> <ul style="list-style-type: none"> (i) If the clearance between the tail pipe and the tail pipe opening is less than the required 0.5-inch minimum, trim the lower cowl as needed to achieve the minimum clearance. (ii) If there is a discrepancy in the propeller clocking position, remove and reinstall the propeller at the correct position. 	<p>Initially inspect within the next 10 hours time-in-service (TIS) after April 20, 2009 (the effective date of AD 2009-08-05) or at the next annual inspection, whichever occurs first. Repetitively inspect the exhaust muffler thereafter as specified in paragraph (e)(5) of this AD.</p> <p>Before further flight after the inspection required in paragraph (e)(1) of this AD.</p>	<p>Follow Liberty Aerospace, Inc. Service Document Critical Service Bulletin (CSB) CSB-09-001, Revision Level B, Revised on March 18, 2009.</p> <p>As specified in Liberty Aerospace, Inc. Service Document Critical Service Bulletin (CSB) CSB-09-001, Revision Level B, Revised on March 18, 2009.</p>

Actions	Compliance	Procedures
<p>(3) As a result of the initial inspection required in paragraph (e)(1)(i) of this AD or any repetitive inspection required in paragraph (e)(5) of this AD, if a crack is found, replace the exhaust muffler.</p> <p>(i) The manufacturer will provide the replacement exhaust system.</p> <p>(ii) A reduced sound exhaust system may be replaced with a standard exhaust system.</p> <p>(iii) Installing a reduced sound exhaust system as a replacement part also requires installing a bypass SCAT tube and a "Do Not Use" placard on or near the heater knob.</p> <p>(4) If the airplane is equipped with a reduced sound exhaust system and no cracks are found during the initial inspection required in paragraph (e)(1) of this AD, install a bypass SCAT tube and a "Do Not Use" placard on or near the heater knob.</p> <p>(5) If no cracks are found in the exhaust muffler during the initial inspection required in paragraph (e)(1) of this AD or if the exhaust muffler was replaced as required in paragraph (e)(3) of this AD, repetitively inspect thereafter at the intervals specified in paragraphs (e)(5)(i), (e)(5)(ii), and (e)(5)(iii) of this AD.</p> <p>(6) Report the results of the following inspections required in this AD to the FAA.</p> <p>(i) Initial inspection required in paragraph (e)(1) of this AD.</p> <p>(ii) Repetitive inspections required in paragraph (e)(5) of this AD only if cracks are found.</p> <p>(iii) The Office of Management and Budget (OMB) approved the information collection requirements contained in this regulation under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 <i>et seq.</i>) and assigned OMB Control Number 2120-0056.</p>	<p>Before further flight after the initial inspection required in paragraph (e)(1) of this AD and before further flight after any repetitive inspection required in paragraph (e)(5) of this AD.</p> <p>Within the next 10 hours TIS after April 20, 2009 (the effective date of AD 2009-08-05).</p> <p>(i) For airplanes equipped with a standard exhaust system and the optional bypass SCAT tube has not been installed, repetitively inspect thereafter every 25 hours TIS or every 12 months, whichever occurs first.</p> <p>(ii) For airplanes equipped with a standard exhaust system and the optional bypass SCAT tube has been installed, repetitively inspect thereafter every 50 hours TIS or every 12 months, whichever occurs first.</p> <p>(iii) For airplanes equipped with a reduced sound exhaust system and the required bypass SCAT tube has been installed, repetitively inspect thereafter every 50 hours TIS or every 12 months, whichever occurs first.</p> <p>Within 10 days after each inspection required by this AD.</p>	<p>Follow Liberty Aerospace, Inc. Service Document Critical Service Bulletin (CSB) CSB-09-001, Revision Level B, Revised on March 18, 2009.</p> <p>Follow Liberty Aerospace, Inc. Service Document Critical Service Bulletin (CSB) CSB-09-001, Revision Level B, Revised on March 18, 2009.</p> <p>Follow Liberty Aerospace, Inc. Service Document Critical Service Bulletin (CSB) CSB-09-001, Revision Level B, Revised on March 18, 2009.</p> <p>Use the form (Figure 1 of this AD) and submit it to FAA, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; fax: (404) 474-5606; e-mail corey.spiegel@faa.gov.</p>

AD 2009-08-05 R1 Inspection Report		
Airplane Serial Number		
Airplane Tach Hours at time of inspection		
Propeller type (circle one)	MT	Sensenich
Propeller Tach Hours at time of inspection		
Exhaust Type (circle one)	Standard	Reduced Sound
Is Exhaust Cracked? (circle one)	YES	NO
Did lower cowl require trimming at the tail pipe opening? (circle one) <i>Not applicable after initial inspection</i>	YES	NO
Did the propeller clocking position need to be corrected? (circle one) <i>Not applicable after initial inspection.</i>	YES	NO
Were any other discrepancies noticed during the inspection?		
Name:		
Telephone and/or e-mail address:		
Date:		
<p>Send report to: Corey Spiegel, Aerospace Engineer, Atlanta ACO, 1701 Columbia Avenue, College Park, Georgia 30337; facsimile: (404) 474-5606; e-mail: corey.spiegel@faa.gov.</p>		
Figure 1		

Special Flight Permit

(f) Under 14 CFR part 39.23, we are limiting the special flight permits for this AD by the following conditions:

- (1) The cabin heat turned off; and
- (2) The fresh air vents are open.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, Atlanta 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. Send information to *Attn:* Corey Spiegel, Aerospace Engineer, Atlanta ACO, 1701 Columbia Avenue, College Park, Georgia 30337. 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.

Material Incorporated by Reference

(h) You must use Liberty Aerospace, Inc. Service Document Critical Service Bulletin (CSB) CSB-09-001, Revision Level B, Revised on March 18, 2009, to do the actions required by this AD, unless the AD specifies otherwise.

(1) On April 20, 2009 (74 FR 16117, April 9, 2009), the Director of the Federal Register previously approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Liberty Aerospace, 100 Aerospace Drive, Melbourne, Florida 32901; telephone: (321) 752-0332 or (800) 759-5953; fax: (321) 752-0377; Internet: <http://www.libertyaircraft.com>.

(3) You may review copies of the service information incorporated by reference for this AD at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the Central Region, call (816) 329-3768.

(4) You may also review copies of the service information incorporated by reference for this AD 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/code_of_federal_regulations/ibr_locations.html.

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

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010-8596 Filed 4-16-10; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

[Docket No. FDA-2010-N-0002]

Implantation or Injectable Dosage Form New Animal Drugs; Change of Sponsor; Propofol

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for a new animal drug application (NADA) from Intervet, Inc., to Teva Animal Health, Inc.

DATES: This rule is effective April 19, 2010.

FOR FURTHER INFORMATION CONTACT:

David R. Newkirk, Center for Veterinary Medicine (HFV-100), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240-276-8307, e-mail: david.newkirk@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Intervet, Inc., 56 Livingston Ave., Roseland, NJ 07068, has informed FDA that it has transferred ownership of, and all rights and interest in, approved NADA 141-070 for RAPINOVET (propofol), an