

**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 adding the following new AD:

**2008-17-07 APEX Aircraft:** Amendment 39-15645; Docket No. FAA-2008-0470; Directorate Identifier 2008-CE-026-AD.

**Effective Date**

(a) This airworthiness directive (AD) becomes effective September 23, 2008.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to the following Model CAP 10 B airplanes, certificated in any category:

- (1) Serial numbers 300 through 317; and
- (2) All other serial numbers that incorporate APEX change 000302 (fibre carbon wing spars).

**Subject**

(d) Air Transport Association of America (ATA) Code 27: Flight Controls.

**Reason**

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

An internal review evidenced that the flight controls tie rod bolts currently installed on the airplane are not in accordance with the design data. Indeed the bolt shank length has been determined too short and the material properties of the spacers have been found inadequate according to the prescribed torque value.

Therefore, bolts' threads could be subject to excessive wear, which might induce play in flight controls and consequently, induce vibrations in the control surfaces and reduce the airplane handling.

To prevent this condition, the present Airworthiness Directive (AD) mandates replacement of the tie rod bolts and spacers.

**Actions and Compliance**

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

- (1) Within 50 hours time-in-service after September 23, 2008 (the effective date of this AD), remove tie rod bolts part number (P/N) 95.56.11.066 and spacers P/N 11.56.27.038 and replace them with tie rod bolts P/N 95.56.11.418 and spacers P/N 11.56.27.138,

following APEX Aircraft Service Bulletin No. 040206, dated September 21, 2007.

(2) As of September 23, 2008 (the effective date of this AD), do not install any tie rod bolt P/N 95.56.11.066 or spacer P/N 11.56.27.038.

**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: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329-4145; *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 European Aviation Safety Agency (EASA) AD No. 2008-0060, dated April 1, 2008; and APEX Aircraft Service Bulletin No. 040206, dated September 21, 2007, for related information.

**Material Incorporated by Reference**

(i) You must use APEX Aircraft Service Bulletin No. 040206, dated September 21, 2007, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register 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 Apex Aircraft, Bureau de Navigabilité, 1 route de Troyes, 21121 DAROIS, France.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; 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 Kansas City, Missouri, on August 7, 2008.

**Kim Smith,**

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

[FR Doc. E8-18807 Filed 8-18-08; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF JUSTICE****28 CFR Part 14****Administrative Claims Under the Federal Tort Claims Act; Delegation of Authority**

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** On June 17, 2003, the Assistant Attorney General in charge of the Civil Division delegated to the Secretary of Homeland Security the authority to settle administrative tort claims presented pursuant to the Federal Tort Claims Act where the amount of the settlement does not exceed \$50,000. By including this delegation of authority in the Code of Federal Regulations, the Civil Division is alerting the general public to the delegation. This rule also implements the Administrative Dispute Resolution Act.

**EFFECTIVE DATE:** August 19, 2008.

**FOR FURTHER INFORMATION CONTACT:** Phyllis J. Pyles, Director, Torts Branch, Civil Division, U.S. Department of Justice, P.O. Box 888, Washington, DC 20044, (202) 616-4400.

**SUPPLEMENTARY INFORMATION:** This rule is a delegation of authority from the Assistant Attorney General for the Civil Division to the Secretary of Homeland Security, a matter solely related to the division of responsibility between the Department of Justice and the Department of Homeland Security. As such, this rule is a rule of agency organization, procedure, and practice that is limited to matters of agency management and personnel. Accordingly: (1) This rule is exempt from the notice requirement of 5 U.S.C. \* 553(b) and is made effective upon issuance; (2) the Department certifies under 5 U.S.C. \* 605(b) that this rule will not have a significant economic impact on a substantial number of small entities and further that no Regulatory Flexibility Analysis was required to be prepared for this final rule since the Department was not required to publish a general notice of proposed rulemaking; (3) this action is not a "regulation" or "rule" as defined by Executive Order 12866, "Regulatory

Planning and Review,” § 3(d)(3) and, therefore, this action has not been reviewed by the Office of Management and Budget.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, “Federalism,” it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, “Civil Justice Reform.” This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Finally, this action pertains to agency management, personnel, and organization and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a “rule” as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. \* 801 does not apply.

#### List of Subjects in 28 CFR Part 14

Authority delegations (government agencies), Claims.

■ By virtue of the authority vested in me by part 0 of title 28 of the Code of Federal Regulations, including sections 0.45, 0.160, 0.162, 0.164, and 0.168, 28 CFR part 14 is amended as follows:

#### PART 14—ADMINISTRATIVE CLAIMS UNDER TITLE FEDERAL TORT CLAIMS ACT

■ 1. The authority citation for part 14 is revised to read as follows:

**Authority:** 5 U.S.C. 301; 28 U.S.C. 509, 510, and 2672.

■ 2. The appendix to part 14 is amended by adding at the end of the appendix “Delegation of Authority to the Secretary of the Department of Homeland Security” to read as follows:

#### APPENDIX TO PART 14—DELEGATIONS OF SETTLEMENT AUTHORITY

\* \* \* \* \*

#### Delegation of Authority to the Secretary of the Department of Homeland Security Authority To Compromise Tort Claims

(a) The Secretary of the Department of Homeland Security shall have the authority to adjust, determine, compromise, and settle a claim involving the Department of Homeland Security under Section 2672 of Title 28, United States Code, relating to the administrative settlement of federal tort claims if the amount of the proposed adjustment, compromise, or award does not exceed \$50,000. When the Secretary believes a claim pending before him presents a novel question of law or of policy, he shall obtain the advice of the Assistant Attorney General in charge of the Civil Division.

(b) The Secretary may redelegate, in writing, the settlement authority delegated to him under this section.

Dated: August 4, 2008.

**Gregory G. Katsas,**

*Assistant Attorney General, Civil Division.*

[FR Doc. E8-19045 Filed 8-18-08; 8:45 am]

**BILLING CODE 4410-12-P**

#### POSTAL SERVICE

#### 39 CFR Part 111

#### Automated Clearing House (ACH) Debit Added as New Method of Payment for Express Mail Corporate Account Customers

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** This final rule revises *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®), by making Automated Clearing House (ACH) debit a new method of payment for Express Mail® Corporate Account (EMCA) customers and eliminating the option to open new local trust accounts. The ACH system is a secure, private network that connects banks to one another by way of the Federal Reserve Board. This network enables electronic payments, such as ACH debits, to be handled and processed. EMCA customers will continue to have a total of three options to fund their accounts: Participate in the Centralized Account Processing System (CAPS); use a personal or business credit card; or authorize the USPS® to originate an ACH debit from a specified bank account. Existing EMCA customers that fund their account from a local trust account will still be required to maintain minimum balances.

This final rule also revises the DMM by adding provisions to close an EMCA funded by ACH debit payments.

**EFFECTIVE DATE:** October 1, 2008.

**FOR FURTHER INFORMATION CONTACT:** Grace Letto, 202-268-7247 or Garry

Rodriguez, 202-268-7281, United States Postal Service.

#### SUPPLEMENTARY INFORMATION:

#### Comments

There was one internal comment received on the October 10, 2007, proposed rule. The commenter recommended the existing language on closing accounts be revised as a result of the addition of ACH debit payment method.

Based on the internal comment, we are updating DMM section 414.2.6, *Closing Account*, to maintain its applicability to the remaining trust accounts while they are being phased out and to add comparable provisions that apply to ACH debit and credit card payments.

#### Current Policy

EMCA customers could use one of the following payment methods to fund their accounts:

- a. Participate in the Centralized Account Processing System (CAPS).
- b. Use a personal or business credit card.
- c. Make an initial deposit with cash or by check of \$250, or the total postage and fees expected during the first 4 weeks of account usage, whichever is higher. After the first 4 weeks, the minimum balance in the account must equal an average week's postage and fees, or \$100, whichever is higher.

The DMM currently provides the USPS the right to close an EMCA with 10 days' written advance notice to the account holder if the ending balance on the mailing activity statement is below the minimum balance required for two consecutive months. The USPS may also close an account with 10 days' written advance notice if the account remains inactive for three consecutive months, unless circumstances warrant otherwise (e.g., a seasonal mailer, positive balance, etc.).

#### Background

The Postal Service is providing ACH debit as a new method of payment for EMCA customers and eliminating the option to open a new EMCA using a local trust account funded by cash and/or check deposits as part of the Postal Service's ongoing mission to help grow revenue in a competitive market by increasing efficiencies, enhancing financial controls, and reducing costs.

By using an electronic payment option, customers will no longer have to go to a Post Office™ to make deposits into their EMCA trust accounts. This new payment option enhances financial control by reducing risk.