

(3) Airbus A300 AMM Chapter 29–25–00, Page Block 301, dated March 1, 2006.

**Note 1:** After revising the maintenance program to include the required periodic inspections according to paragraph (g) or (k) of this AD, operators do not need to make a maintenance log entry to show compliance with this AD every time those inspections are accomplished thereafter.

**Note 2:** This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c),

the operator must request approval for an alternative method of compliance according to paragraph (l) of this AD. The request should include a description of changes to the required inspections that will ensure the continued damage tolerance of the affected structure. The FAA has provided guidance for this determination in Advisory Circular (AC) 25–1529–1.

#### New Requirements of This AD

##### Revised Service Bulletins

(h) As of the effective date of this AD, use only the Accomplishment Instructions of Airbus Service Bulletin A310–57–2086, Revision 01, dated September 3, 2007 (for Model A310 series airplanes); or Airbus Service Bulletin A300–57–6099, Revision 01, dated September 3, 2007 (for Model A300–

600 series airplanes); as applicable; to do the replacement required by paragraph (f) of this AD.

#### Replacement

(i) For airplanes identified in Table 1 of this AD: Before 102 months since first flight, or within 12 months after the effective date of this AD, whichever occurs later, replace the aluminum yoke fitting of the swivel coupling of the RAT with a new steel yoke fitting, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–57–2086, Revision 01, dated September 3, 2007 (for Model A310 series airplanes); or Airbus Service Bulletin A300–57–6099, Revision 01, dated September 3, 2007 (for Model A300–600 series airplanes); as applicable.

TABLE 1—APPLICABILITY OF PARAGRAPH (I) OF THIS AD

| Model—                                                               | Except for those airplanes on which—                            | Or on which—                                                                                                                      |
|----------------------------------------------------------------------|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| (1) A310 series airplanes equipped with Hamilton Sundstrand RAT.     | Airbus Modification 12986 or 19578 has been done in production. | Airbus Service Bulletin A310–57–2086, dated March 1, 2005; or Revision 01, dated September 3, 2007 has been done in service.      |
| (2) A300–600 series airplanes equipped with Hamilton Sundstrand RAT. | Airbus Modification 12986 or 19578 has been done in production. | Airbus Service Bulletin A300–57–6099, dated February 23, 2005; or Revision 01, dated September 3, 2007; has been done in service. |

(j) Replacements done before the effective date of this AD in accordance with Airbus Service Bulletin A310–57–2086, dated March 1, 2005 (for Model A310 series airplanes); or Airbus Service Bulletin A300–57–6099, dated February 23, 2005 (for Model A300–600 series airplane); as applicable; are acceptable for compliance with the requirements of paragraph (i) of this AD.

#### Revision of FAA-Approved Maintenance Program

(k) For all airplanes: Within 3 months after the effective date of this AD, incorporate the information in the applicable AMM specified in paragraphs (k)(1), (k)(2), and (k)(3) of this AD, into the FAA-approved maintenance program to specify an inspection for breaks of the bottom flange of the RAT swivel coupling yoke fitting after each RAT retraction; and replacement of the RAT swivel coupling yoke fitting with a new steel part; in accordance with a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or European Aviation Safety Agency (or its delegated agent). The page blocks specified in paragraphs (k)(1), (k)(2), and (k)(3) of this AD, as applicable, that contain the inspection and replacement described previously are one approved method for the actions required by paragraph (k) of this AD. Thereafter, except as provided by paragraph (l) of this AD, no alternative inspection intervals may be approved for the bottom flange of the RAT swivel coupling yoke fitting. Accomplishing this incorporation terminates the requirements of paragraph (g) of this AD.

(1) Airbus A300–600 AMM, Chapter 29–25–00, Page Block 301.

(2) Airbus A310 AMM, Chapter 29–25–00, Page Block 301.

(3) Airbus A300 AMM Chapter 29–25–00, Page Block 301.

#### Alternative Methods of Compliance (AMOCs)

(l) The Manager, International Branch, ANM–116, 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1138; fax (425) 227–1149. 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.

#### Related Information

(m) European Aviation Safety Agency (EASA) airworthiness directive 2007–0273, dated October 23, 2007, and French airworthiness directive F–2005–089, dated June 8, 2005, also address the subject of this AD.

Issued in Renton, Washington, on October 2, 2008.

**Ali Bahrami,**

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

[FR Doc. E8–24151 Filed 10–9–08; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2008–1083; Directorate Identifier 2008–NM–130–AD]

RIN 2120–AA64

#### Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. 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:

There have been several cases reported where the landing gear did not retract after take-off. Subsequent investigation revealed this was caused by fatigue failure of the nose landing gear electrical harness. In conjunction with one engine being inoperable, this could, in certain operating conditions, affect continued safe flight and landing.

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 November 10, 2008.

**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 W12-40, 1200 New Jersey Avenue, SE., Washington, DC, 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 Operations office 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 Operations 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:** Wing Chan, Aerospace Engineer, Systems and Flight Test Branch, ANE-172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7311; fax (516) 794-5531.

#### 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-2008-1083; Directorate Identifier 2008-NM-130-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 based on those comments.

We will post all comments we receive, without change, to <http://www.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

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2008-22, dated June 24, 2008 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

There have been several cases reported where the landing gear did not retract after take-off. Subsequent investigation revealed this was caused by fatigue failure of the nose landing gear electrical harness. In conjunction with one engine being inoperable, this could, in certain operating conditions, affect continued safe flight and landing.

This directive mandates incorporation of new weight-on-wheels (WOW) and steering harnesses that have a new conduit construction.

You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

Bombardier has issued Service Bulletin 84-32-51, Revision 'B,' dated December 17, 2007. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### FAA's Determination and Requirements of This 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 the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Differences Between This 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

Based on the service information, we estimate that this proposed AD would affect about 42 products of U.S. registry. We also estimate that it would take about 13 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Required parts would cost about \$0 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$43,680, or \$1,040 per product.

#### 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, 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 adding the following new AD:

**Bombardier, Inc. (Formerly de Havilland, Inc.):** Docket No. FAA-2008-1083; Directorate Identifier 2008-NM-130-AD.

#### Comments Due Date

(a) We must receive comments by November 10, 2008.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Bombardier Model DHC-8-400, DHC-8-401, and DHC-8-402 airplanes, certificated in any category, Serial numbers 4003, 4004, 4006, and 4008 through 4184 inclusive.

#### Subject

(d) Air Transport Association (ATA) of America Code 32: Landing Gear.

#### Reason

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

“There have been several cases reported where the landing gear did not retract after take-off. Subsequent investigation revealed this was caused by fatigue failure of the nose landing gear electrical harness. In conjunction with one engine being inoperable, this could, in certain operating conditions, affect continued safe flight and landing.”

“This directive mandates incorporation of new weight-on-wheels (WOW) and steering harnesses that have a new conduit construction.”

#### Actions and Compliance

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

(1) Within 2,500 flight hours after the effective date of this AD, replace the WOW and steering harnesses by incorporating Modsum 4-126401, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84-32-51, Revision ‘B,’ dated December 17, 2007.

(2) Actions done before the effective date of this AD in accordance with Bombardier Service Bulletin 84-32-51, dated August 16, 2007, or Revision ‘A,’ dated August 22, 2007, are acceptable for compliance with the corresponding requirements of this AD.

#### 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, Systems and Flight Test Branch, ANE-172, 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: Wing Chan, Aerospace Engineer, Systems and Flight Test Branch, ANE-172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7311; fax (516) 794-5531. 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, 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 Canadian Airworthiness Directive CF-2008-22, dated June 24, 2008, and Bombardier Service Bulletin 84-32-51, Revision ‘B,’ dated December 17, 2007, for related information.

Issued in Renton, Washington, on October 2, 2008.

**Ali Bahrami,**

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

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#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

#### 26 CFR Part 54

[REG-123829-08]

RIN 1545-BI02

#### DEPARTMENT OF LABOR

##### Employee Benefits Security Administration

#### 29 CFR Part 2590

RIN 1210-AB27

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

[CMS-4137-NC]

#### 45 CFR Parts 144, 146, and 148

RIN 0938-AP37

#### Request for Information Regarding Sections 101 Through 104 of the Genetic Information Nondiscrimination Act of 2008

**AGENCIES:** Internal Revenue Service, Department of the Treasury; Employee Benefits Security Administration, Department of Labor; Centers for Medicare & Medicaid Services, Department of Health and Human Services.

**ACTION:** Request for Information.

**SUMMARY:** This document is a request for comments regarding issues under sections 101 through 104 of the Genetic Information Nondiscrimination Act of 2008 (GINA). The Departments of Labor, Health and Human Services (HHS), and the Treasury (collectively, the Departments) have received inquiries from the public on a number of issues under these provisions and are welcoming public comments in advance of future rulemaking.

**DATES:** Comments must be submitted on or before December 9, 2008.

**ADDRESSES:** Written comments may be submitted to any of the addresses specified below. Any comment that is submitted to any Department will be shared with the other Departments. Please do not submit duplicates.

*Department of Labor.* Comments to the Department of Labor by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *E-mail:* [E-OHPSCA.EBSA@dol.gov](mailto:E-OHPSCA.EBSA@dol.gov).
- *Mail or Hand Delivery:* Office of Health Plan Standards and Compliance Assistance, Employee Benefits Security