

### *Small Business Regulatory Enforcement Fairness Act*

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, Public Law 104–121, provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedures Act, 5 U.S.C. 551. The Office of Information and Regulatory Affairs, an office within OMB, is reviewing this final rule for purposes of SBREFA, and a determination is pending.

#### *Executive Order 13132*

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. The rule would not have a substantial direct effect on the states, on the connection between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined this rule does not constitute a policy that has federalism implications for purposes of the executive order.

### *The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families*

NCUA has determined that this rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

#### **List of Subjects**

##### *12 CFR Part 741*

Credit unions, Reporting and recordkeeping requirements, Share insurance.

##### *12 CFR Part 748*

Credit unions, Reporting and recordkeeping requirements, Security measures.

##### *12 CFR Part 749*

Archives and records, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board, on July 16, 2009.

**Mary F. Rupp,**

*Secretary of the Board.*

■ For the reasons stated above, NCUA amends 12 CFR parts 741, 748 and 749 as follows:

#### **PART 741—REQUIREMENTS FOR INSURANCE**

■ 1. The authority citation for part 741 continues to read as follows:

**Authority:** 12 U.S.C. 1757, 1766(a), 1781–1790, and 1790d; 31 U.S.C. 3717.

■ 2. Amend § 741.6 by removing paragraph (d) and revising paragraph (a) to read as follows:

##### **§ 741.6 Financial and statistical and other reports.**

(a) Upon written notice from the Board, Regional Director, or Director of the Office of Corporate Credit Unions, insured credit unions must file financial and other reports in accordance with the instructions in the notice. Credit unions with the capacity to do so must use NCUA's information management system to submit their data online. If a credit union is unable to use the information system, it must file written reports in accordance with the instructions.

(1) *Credit Union Profile.* Insured credit unions must submit to NCUA a Credit Union Profile, NCUA Form 4501 or its equivalent, within 10 days after an election or appointment of senior management or volunteer officials or within 30 days of any change of the information in the profile.

(2) *Financial and statistical report.* Natural person credit unions must file a Call Report with NCUA quarterly in accordance with the instructions in the NCUA Form 5300. Corporate credit unions must file a Corporate Credit Union Call Report with NCUA monthly in accordance with the instructions in the NCUA Form 5310. Credit unions must submit a corrected Call Report upon notification or the discovery of a need for correction.

\* \* \* \* \*

#### **PART 748—SECURITY PROGRAM, REPORT OF SUSPECTED CRIMES, SUSPICIOUS TRANSACTIONS, CATASTROPHIC ACTS AND BANK SECRECY ACT COMPLIANCE**

■ 3. The authority citation for part 748 continues to read as follows:

**Authority:** 12 U.S.C. 1766(a), 1786(q); 15 U.S.C. 6801 and 6805(b); 31 U.S.C. 5311 and 5318.

■ 4. Amend § 748.1 by revising paragraph (a) to read as follows:

##### **§ 748.1 Filing of reports.**

(a) The president or managing official of each federally-insured credit union must certify compliance with the requirements of this Part in its Credit Union Profile annually. Credit unions that cannot update their profile online must certify compliance in writing in accordance with the instructions on NCUA Form 4501 or its equivalent. The credit union president or managing official must sign and date the written certification.

\* \* \* \* \*

#### **PART 749—RECORDS PRESERVATION PROGRAM AND APPENDICES—RECORD RETENTION GUIDELINES; CATASTROPHIC ACT PREPAREDNESS GUIDELINES**

■ 5. The authority citation for part 749 continues to read as follows:

**Authority:** 12 U.S.C. 1766, 1783, and 1789; 15 U.S.C. 7001(d).

■ 6. Amend Appendix A to Part 749 by revising paragraph E.2.(b) to read as follows:

##### **Appendix A to Part 749—Record Retention Guidelines**

\* \* \* \* \*

E. \* \* \*

2. \* \* \*

(b) One copy of each financial report, NCUA Form 5300 or 5310, or their equivalent, and the Credit Union Profile report, NCUA Form 4501, or its equivalent as submitted to NCUA at the end of each quarter.

\* \* \* \* \*

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. FAA–2009–0646; Directorate Identifier 2009–NM–055–AD; Amendment 39–15974; AD 2009–15–11]

RIN 2120–AA64

#### **Airworthiness Directives; Aerospatiale Model SN–601 (Corvette) Airplanes**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the

products listed above. This 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:

During the landing roll a Corvette aircraft inclined to the Left Hand (LH) side as a result of the uncoupling of the left main landing gear shock absorber upper and lower cylinders, leading the left wheel tire to rub against the left wing under surface and to deflate, and the left wing tip fuel tank to strike the runway surface.

The investigation showed that this uncoupling resulted from the loosening of the shock absorber locking system nut and its associated lock washer.

\* \* \* \* \*

The unsafe condition is reduced structural integrity of the main landing gear, which could cause the wing tip fuel tank to strike the runway surface and potentially result in a fire. This AD requires actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** This AD becomes effective August 5, 2009.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of August 5, 2009.

We must receive comments on this AD by August 20, 2009.

**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 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:** Dan Rodina, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2125; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2009-0041, dated February 25, 2009 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

During the landing roll a Corvette aircraft inclined to the Left Hand (LH) side as a result of the uncoupling of the left main landing gear shock absorber upper and lower cylinders, leading the left wheel tire to rub against the left wing under surface and to deflate, and the left wing tip fuel tank to strike the runway surface.

The investigation showed that this uncoupling resulted from the loosening of the shock absorber locking system nut and its associated lock washer.

This AD requires the inspection of the locking system of the main landing gear shock absorber and the accomplishment of the associated corrective actions.

The unsafe condition is reduced structural integrity of the main landing gear, which could cause the wing tip fuel tank to strike the runway surface and potentially result in a fire. Required actions include doing a general visual inspection to verify the proper position of the lock washer and the tightening torque of the nut of the shock absorber locking system on both the left-hand and right-hand main landing gear, and doing corrective actions including replacing the lock washer, installing the main landing gear shock absorber body, and installing the main landing gear shock absorber, as applicable. You may obtain further information by examining the MCAI in the AD docket.

##### Relevant Service Information

Airbus has issued Corvette Service Bulletin 32-19, dated January 9, 2009. 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 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 issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

There are no products of this type currently registered in the United States. However, this rule is necessary to ensure that the described unsafe condition is addressed if any of these products are placed on the U.S. Register in the future.

##### Differences Between the 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 required 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 AD.

##### FAA’s Determination of the Effective Date

Since there are currently no domestic operators of this product, notice and opportunity for public comment before issuing this AD are unnecessary.

##### Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2009-0646; Directorate Identifier 2009-NM-055-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of 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 AD.

### 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 AD will not have federalism implications under Executive Order 13132. This AD will 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 AD:

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 AD and placed it in the AD docket.

### 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:

**2009–15–11 Aerospatiale:** Amendment 39–15974. Docket No. FAA–2009–0646; Directorate Identifier 2009–NM–055–AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective August 5, 2009.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Aerospatiale Model SN–601 (Corvette) airplanes, certificated in any category, all serial numbers.

#### Subject

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

#### Reason

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

During the landing roll a Corvette aircraft inclined to the Left Hand (LH) side as a result of the uncoupling of the left main landing gear shock absorber upper and lower cylinders, leading the left wheel tire to rub against the left wing under surface and to deflate, and the left wing tip fuel tank to strike the runway surface.

The investigation showed that this uncoupling resulted from the loosening of the shock absorber locking system nut and its associated lock washer.

This AD requires the inspection of the locking system of the main landing gear shock absorber and the accomplishment of the associated corrective actions. The unsafe condition is reduced structural integrity of the main landing gear, which could cause the wing tip fuel tank to strike the runway surface and potentially result in a fire. Required actions include doing a general visual inspection to verify the proper position of the lock washer and the tightening torque of the nut of the shock absorber locking system on both the left-hand and right-hand main landing gear, and doing corrective actions including replacing the lock washer, installing the main landing gear shock absorber body, and installing the main landing gear shock absorber, as applicable.

#### Actions and Compliance

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

(1) Within 90 days after the effective date of this AD, do a general visual inspection to verify the proper position of the lock washer (located opposite the nut notch) and check the tightening torque of the nut of the shock absorber locking system on both the left-hand and right-hand main landing gear, in accordance with the Accomplishment Instructions of Airbus Corvette Service Bulletin 32–19, dated January 9, 2009.

(2) In case of findings of improper assembly during the inspection required in paragraph (f)(1) of this AD, before further flight, replace the lock washer, install the main landing gear shock absorber body, and install the main landing gear shock absorber,

in accordance with the Accomplishment Instructions of Airbus Corvette Service Bulletin 32–19, dated January 9, 2009. Within 120 flight cycles but not before 100 flight cycles, repeat the inspection specified in paragraph (f)(1) of this AD.

(3) In case of no findings during the inspection required in paragraph (f)(1) of this AD, no further inspections are required.

(4) After the effective date of this AD, no person may install a main landing gear shock absorber on which the locking system (nut and lock washer) is not compliant with the approved configuration as identified by Airbus Corvette Service Bulletin 32–19, dated January 9, 2009.

#### FAA AD Differences

**Note 1:** 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2125; 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 approved 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 Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) Airworthiness Directive 2009–0041, dated February 25, 2009; and Airbus Corvette Service Bulletin 32–19, dated January 9, 2009; for related information.

#### Material Incorporated by Reference

(i) You must use Airbus Corvette Service Bulletin 32–19, dated January 9, 2009, to do the actions required by this AD, unless the AD specifies otherwise. (Only page 1 of this

document specifies the issue date of the document; no other page of this document contains this information.)

(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 ATR-GIE Avions de Transport Régional, 1, Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; e-mail [continued.airworthiness@atr.fr](mailto:continued.airworthiness@atr.fr); Internet <http://www.aerochain.com>.

(3) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221 or 425-227-1152.

(4) You may also review copies of the service information that is incorporated by reference 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](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

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

**Ali Bahrami,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0398; Directorate Identifier 2008-NM-193-AD; Amendment 39-15971; AD 2009-15-08]

RIN 2120-AA64

#### **Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This 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 a number of incidents where wing-to-fuselage or MLG [main landing gear] door fairing panels have detached from the aircraft during flight.

Subsequent inspection revealed the loss of the fairing panels to be due to failure of certain steel grommets \* \* \*. A detaching panel could strike the aircraft during flight, causing damage. In addition, a detaching panel could become attached to the structure or control surfaces, resulting in reduced control of the aircraft.

\* \* \* \* \*

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective August 25, 2009.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 25, 2009.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Todd Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1175; fax (425) 227-1149.

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on April 30, 2009 (74 FR 19905). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

There have been a number of incidents where wing-to-fuselage or MLG [main landing gear] door fairing panels have detached from the aircraft during flight. Subsequent inspection revealed the loss of the fairing panels to be due to failure of certain steel grommets, (P/N) [part number] SL5183 and HC535H0312, through which the attachment bolts are inserted. These failures may have been caused by improper installation of the grommets or damage resulting from maintenance procedures relating to paint stripping and repainting, allowing air loads to pull the panel through the grommet. A detaching panel could strike the aircraft during flight, causing damage. In addition, a detaching panel could become attached to the structure or control surfaces, resulting in reduced control of the aircraft.

Following the application of BAE Systems (Operations) Ltd ISB 53-202 at Revision 1 to the first few, it has been discovered that removal of existing grommets P/N SL5183 and HC535H0312 may result in localised damage to the aluminum foil membrane attached to the inner surface of some fairing

panels. BAE Systems (Operations) Ltd has therefore issued additional instructions in All Operators Message (AOM) 08-015V, including bonding checks and detailed procedures for applying an electro-conductive paste at each SL5185 grommet location in order to bridge any gap between grommet and the inner aluminum foil. The next revision of BAE Systems (Operations) Ltd ISB 53-202 will include the technical content of AOM 08-015V.

For the reasons described above, this EASA AD requires repetitive inspections of the wing-to-fuselage & MLG door fairing panel grommets and, when damage is detected, the accomplishment of corrective actions.

Corrective actions include replacing damaged grommets with new P/N SL5185 grommets; or doing a temporary repair, which defers the replacement. You may obtain further information by examining the MCAI in the AD docket.

#### **Clarification for Unsatisfactory Bonding**

Unsatisfactory bonding, as used in this AD, is defined as: Intermittent loss of, or failure of the bond/electrical connection.

#### **Comments**

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

#### **Conclusion**

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

#### **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 required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a Note within the AD.

#### **Costs of Compliance**

We estimate that this AD will affect 1 product of U.S. registry. We also estimate that it will take about 14 work-hours per product to comply with the basic requirements of this AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the