federalism principles addressed by the Executive Order. This rule 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. Accordingly, this rule does not constitute a policy that has federalism implications for purposes of the Executive Order.

**Treasury and General Government Appropriations Act, 1999**


**Small Business Regulatory Enforcement Fairness Act**

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) (SBREFA) 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 APA. 5 U.S.C. 551. NCUA does not believe this interim final rule is a “major rule” within the meaning of the relevant sections of SBREFA. NCUA has submitted the rule to the Office of Management and Budget for its determination in that regard.

**List of Subjects in 12 CFR Part 701**

Credit, Credit unions, Mortgages.

By the National Credit Union Administration Board, this 9th day of February, 2010.

**Mary F. Rupp,**
Secretary of the Board.

For the reasons discussed above, 12 CFR part 701 is amended as follows:

**PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS**

1. The authority citation for part 701 continues to read as follows:


2. Amend §701.34 by adding a sentence to the end of paragraph (b)(7) introducing text, adding paragraphs (b)(7)(i) and (ii), and adding paragraph (d)(4) to read as follows:

**§701.34 Designation of low income status; Acceptance of secondary capital accounts by low-income designated credit unions.**

* * * * *

(b) * * *

(7) * * * In instances where a LICU accepts secondary capital from the United States Government or any of its subdivisions under the Community Development Capital Program of 2010 ("CDCP secondary capital") and matching funds are required under the Program and are on deposit in the form of secondary capital at the time a loss is realized, a LICU must apply either of the following pro-rata loss distribution procedures to the CDCP secondary capital and its matching secondary capital with respect to the loss:

(i) If not inconsistent with any agreements governing other secondary capital on deposit at the time a loss is realized, the CDC secondary capital may be excluded from the calculation of the pro-rata loss distribution until all of its matching secondary capital has been depleted or properly redeemed, thereby causing the CDC secondary capital to be held as senior to all other secondary capital until its matching secondary capital is exhausted. The CDCP secondary capital should be included in the calculation of the pro-rata loss distribution and is available to cover the loss only after all of its matching secondary capital has been depleted or properly redeemed.

(ii) Regardless of any agreements applicable to other secondary capital, the CDCP secondary capital and its matching secondary capital may be considered a single account for purposes of determining a pro-rata share of the loss and the amount determined as the pro-rata share for the combined account must first be applied to the matching secondary capital account, thereby causing the CDCP secondary capital to be held as senior to its matching secondary capital. The CDCP secondary capital is available to cover the loss only after all of its matching secondary capital has been depleted or properly redeemed.

* * * * *

(d) * * *

(4) * * * Early redemption exception. Subject to the written approval of the appropriate Regional Director obtained pursuant to the requirements of paragraphs (d)(1) and (2) of this section, a LICU can redeem all or part of secondary capital accepted from the United States Government or any of its subdivisions at any time after the secondary capital has been on deposit for two years. If the secondary capital was accepted under conditions that required matching secondary capital from a source other than the Federal Government, the matching secondary capital may also be redeemed in the manner set forth in the preceding sentence. For purposes of obtaining the appropriate Regional Director’s approval, all secondary capital a LICU accepts from the United States Government or any of its subdivisions, as well as its matching secondary capital, if any, is eligible for early redemption regardless of whether any part of the secondary capital has been discounted pursuant to paragraph (c)(2) of this section.

* * * * *

[FR Doc. 2010–3160 Filed 2–18–10; 8:45 am]

**BILLING CODE 7535–01–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

14 CFR Part 39


**RIN 2120–AA64**

Airworthiness Directives; SICLI Halon 1211 Portable Fire Extinguishers as Installed on Various Airplanes and Rotorcraft

**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:

The Civil Aviation Authority of the United Kingdom (UK) has informed EASA [European Aviation Safety Agency] that significant quantities of Halon 1211 gas, determined to be outside the required specification, have been supplied to the aviation industry for use in fire extinguishing equipment.

* * * * *

* * * * *

* * * * *

This Halon 1211 has subsequently been used to fill P/N [part number] 1708337B4 portable fire extinguishers that are now likely to be installed in or carried on board aircraft.

The contaminated nature of this gas, when used against a fire, may provide reduced fire suppression, endangering the safety of the aircraft and its occupants. In addition,
extinguisher activation may lead to release of toxic fumes, possibly causing injury to aircraft occupants.

This AD requires actions that are intended to address the unsafe condition described in the MCAI. 

DATES: This AD becomes effective March 8, 2010.

We must receive comments on this AD by April 5, 2010.

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 small airplanes: Leslie B. Taylor, Aerospace Engineer, Standards Staff, Small Airplane Directorate, FAA, 901 Locust Street, Room 301, Kansas City, MO 64106; telephone (816) 329–4134; fax (816) 329–4099.

For rotorcraft: DOT/FAA Southwest Region, J.R. Holton, Jr., ASW–112, Aviation Safety Engineer, Rotorcraft Directorate, Safety Management Group, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 222–4964; fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued Airworthiness Directive 2009–0378, dated December 22, 2009, (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

The Civil Aviation Authority of the United Kingdom (UK) has informed EASA that significant quantities of Halon 1211 gas, determined to be outside the required specification, have been supplied to the aviation industry for use in fire extinguishing equipment. Halon 1211 (BCF) is used in portable fire extinguishers, usually fitted or stowed in aircraft passenger cabins and flight decks.

EASA published Safety Information Bulletin (SIB) 2009–39 on 23 October 2009 to make the aviation community aware of this safety concern. The results of the ongoing investigation have now established that LyonTech Engineering Ltd, a UK-based company, has supplied further consignments of Halon 1211 (BCF) to SICLI that do not meet the required specification. This Halon 1211 has subsequently been used to fill P/N [part number] 1708337B4 portable fire extinguishers that are now likely to be installed in or carried on board aircraft.

The contaminated nature of this gas, when used against a fire, may provide reduced fire suppression, endangering the safety of the aircraft and its occupants. In addition, extinguisher activation may lead to release of toxic fumes, possibly causing injury to aircraft occupants. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in less than 30 days.

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–2010–0126; Directorate Identifier 2010–NM–015–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, 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:


Effective Date

(a) This airworthiness directive (AD) becomes effective March 8, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Type H1–10 AIR Halon 1211 (BCF) portable fire extinguishers manufactured by SICLI, having part number (P/N) 1708337B4 and having any serial number listed in Table 1 of this AD. These fire extinguishers may be installed on (or carried or stowed on board) various airplanes and rotorcraft, certificated in any category, identified in but not limited to the airplanes and rotorcraft of the manufacturers included in Table 2 of this AD, all type-certificated models.

Table 1—Serial Numbers of Affected SICLI Fire Extinguishers, P/N 1708337B4

| Serial Nos. | 0843113 and 0843114. | 084329, 084330 and 084331. | 084333 through 084339 inclusive (incl.). | 084341 through 084350 incl. | 084352 through 084358 incl. | 084360 through 084369 incl. | 084372. | 084374 through 084386 incl. | 084398a. | 084390 through 084397 incl. | 084409 through 084416 incl. | 084466 through 084468 incl. | 084470 and 084471. | 084473. | 084475. | 084477. | 084479 through 084487 incl. | 084489 through 084492 incl. | 084547 through 084561 incl. | 084563. | 084565 through 084574 incl. | 084579 through 084587 incl. | 084589 through 084629 incl. | 084631 through 084676 incl. | 084679 through 084700 incl. | 084702 through 084737 incl. | 084739 through 084780 incl. | 084782 through 084845 incl. | 084847 and 084848. | 084850 through 084856 incl. | 084859 through 084861 incl. | 084863 through 084878 incl. | 084879 through 084902 incl. | 084904 through 084934 incl. | 084936 through 084951 incl. | 084953 through 084957 incl. | 084959 through 084969 incl. | 084971. | 084973 through 084977 incl. | 084979 through 084982 incl. | 084984, 084985 and 084986. | 084988 through 084415 incl. | 084416 through 084416 incl. | 0844045 and 0844046. | 0844048 and 0844049.
TABLE 2—AFFECTED AIRPLANES AND ROTORCRAFT

<table>
<thead>
<tr>
<th>Manufacturer</th>
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<tbody>
<tr>
<td>Airbus</td>
</tr>
<tr>
<td>ATR—GIE Avions de Transport Régional.</td>
</tr>
<tr>
<td>The Boeing Company.</td>
</tr>
<tr>
<td>Bombardier, Inc.</td>
</tr>
<tr>
<td>Cessna Aircraft Company.</td>
</tr>
<tr>
<td>Dassault Aviation.</td>
</tr>
<tr>
<td>Empresa Brasileira de Aeronáutica S.A. (EMBAER).</td>
</tr>
<tr>
<td>Eurocopter Canada Limited.</td>
</tr>
<tr>
<td>Eurocopter Deutschland GMBH (ECD).</td>
</tr>
<tr>
<td>Eurocopter France.</td>
</tr>
<tr>
<td>McDonnell Douglas Corporation.</td>
</tr>
</tbody>
</table>

Subject

(d) Air Transport Association (ATA) of America Code 26: Fire Protection.

Reason

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

The Civil Aviation Authority of the United Kingdom (UK) has informed EASA [European Aviation Safety Agency] that significant quantities of Halon 1211 gas, determined to be outside the required specification, have been supplied to the aviation industry for use in fire extinguishing equipment. Halon 1211 (BCF) is used in portable fire extinguishers, usually fitted or stowed in aircraft passenger cabins and flight decks.

EASA published Safety Information Bulletin (SIB) 2009–39 on 23 October 2009 to make the aviation community aware of this safety concern.

The results of the ongoing investigation have now established that LyonTech Engineering Ltd, a UK-based company, has supplied further consignments of Halon 1211 (BCF) to SICLI that do not meet the required specification. This Halon 1211 has subsequently been used to fill P/N [part number] 1708337B4 portable fire extinguishers that are now likely to be installed in or carried on board aircraft.

The contaminated nature of this gas, when used against a fire, may provide reduced fire suppression, endangering the safety of the aircraft and its occupants. In addition, extinguisher activation may lead to release of toxic fumes, possibly causing injury to aircraft occupants.

For the reason described above, this EASA AD requires the identification and removal from service of certain batches of fire extinguishers and replacement with serviceable units.

Compliance

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

Actions

(g) Within 90 days after the effective date of this AD, replace all Type H1–10 Air Halon 1211 (BCF) portable fire extinguishers manufactured by SICLI, having P/N 1708337B4 and having any serial number listed in Table 1 of this AD, with serviceable fire extinguishers.

(h) Within 90 days after doing any replacement required by paragraph (g) of this AD, return the affected fire extinguisher to: SICLI, ZI la Saunière, 89600 Saint Florentin, France; telephone: +33 (0)3 8643 7930; fax: +33 (0)3 8635 3632; e-mail jerome.villette@sicli.com; Web site: http://www.sicli.com.

(i) As of the effective date of this AD, do not install any SICLI fire extinguisher having P/N 1708337B4 and a serial number listed in Table 1 of this AD, on any airplane or rotorcraft.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows:

(1) EASA AD 2009–0278, dated December 22, 2009, specifies a time of 30 days to do the actions. This AD requires that the actions be done within 90 days. We have determined that a 90-day compliance time will ensure an acceptable level of safety.

(2) EASA AD 2009–0278 includes fire extinguishers having certain serial numbers in its applicability. The EASA AD also includes a requirement to inspect to determine if fire extinguishers have those serial numbers and replacement if necessary. Since the affected fire extinguishers are part of the applicability, it is not necessary to also require inspecting for them. Therefore, this AD includes fire extinguishers having certain serial numbers in its applicability and does not include an additional requirement to inspect for serial numbers; this AD requires replacement of all affected fire extinguishers.

Other FAA AD Provisions

(j) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The manager of the office having certificate responsibility for the affected product has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any approved AMOC on any aircraft 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.


(ii) For small airplanes: Send information to ATTN: Leslie B. Taylor, Aerospace Engineer, Standards Staff, Small Airplane Directorate, FAA, 901 Locust Street, Room 301, Kansas City, MO 64106; telephone (816) 329–4134; fax (816) 329–4090.


(2) Airworthiness 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


Material Incorporated by Reference

(l) None.

Issued in Washington, DC, on February 4, 2010.

Kalene C. Yanamura,
Acting Director, Aircraft Certification Service.
[FR Doc. 2010–3223 Filed 2–18–10; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121, 125, and 135


RIN 2120–AI79

Filtered Flight Data

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA amends digital flight data recorder regulations affecting certain air carriers and operators. This final rule prohibits the filtering of some original flight recorder sensor signals unless a certificate holder can show that the data can be accurately reconstructed. This final rule improves the integrity and quality of the data recorded on digital flight data recorders while giving aircraft designers and operators more flexibility in system design and operation where allowable.

DATES: These amendments become effective April 20, 2010.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this final rule contact Brian A. Verna, Avionics Systems Branch, Aircraft Certification Service, AIR–130, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591;