

is also exempt from § 1015.5 if the attorney:

- (1) Deposits any funds received from the consumer prior to performing legal services in a client trust account; and
- (2) Complies with all state laws and regulations, including licensing regulations, applicable to client trust accounts.

#### § 1015.8 Waiver not permitted.

It is a violation of this rule for any person to obtain, or attempt to obtain, a waiver from any consumer of any protection provided by or any right of the consumer under this rule.

#### § 1015.9 Recordkeeping and compliance requirements.

(a) Any mortgage assistance relief provider must keep, for a period of twenty-four (24) months from the date the record is created, the following records:

- (1) All contracts or other agreements between the provider and any consumer for any mortgage assistance relief service;
- (2) Copies of all written communications between the provider and any consumer occurring prior to the date on which the consumer entered into an agreement with the provider for any mortgage assistance relief service;
- (3) Copies of all documents or telephone recordings created in connection with compliance with paragraph (b) of this section;
- (4) All consumer files containing the names, phone numbers, dollar amounts paid, and descriptions of mortgage assistance relief services purchased, to the extent the mortgage assistance relief service provider keeps such information in the ordinary course of business;
- (5) Copies of all materially different sales scripts, training materials, commercial communications, or other marketing materials, including Web sites and weblogs, for any mortgage assistance relief service; and
- (6) Copies of the documentation provided to the consumer as specified in § 1015.5 of this rule;

(b) A mortgage assistance relief service provider also must:

(1) Take reasonable steps sufficient to monitor and ensure that all employees and independent contractors comply with this rule. Such steps shall include the monitoring of communications directed at specific consumers, and shall also include, at a minimum, the following:

(i) If the mortgage assistance relief service provider is engaged in the telemarketing of mortgage assistance relief services, performing random, blind recording and testing of the oral

representations made by individuals engaged in sales or other customer service functions;

- (ii) Establishing a procedure for receiving and responding to all consumer complaints; and
- (iii) Ascertaining the number and nature of consumer complaints regarding transactions in which all employees and independent contractors are involved;

(2) Investigate promptly and fully each consumer complaint received;

(3) Take corrective action with respect to any employee or contractor whom the mortgage assistance relief service provider determines is not complying with this rule, which may include training, disciplining, or terminating such individual; and

(4) Maintain any information and material necessary to demonstrate its compliance with paragraphs (b)(1) through (3) of this section.

(c) A mortgage assistance relief provider may keep the records required by paragraphs (a) and (b) of this section in any form, and in the same manner, format, or place as it keeps such records in the ordinary course of business.

(d) It is a violation of this rule for a mortgage assistance relief service provider not to comply with this section.

#### § 1015.10 Actions by states.

Any attorney general or other officer of a state authorized by the state to bring an action under this part may do so pursuant to section 626(b) of the 2009 Omnibus Appropriations Act, Public Law 111–8, section 626, 123 Stat. 524 (Mar. 11, 2009), as amended by Public Law 111–24, section 511, 123 Stat. 1734 (May 22, 2009), and as amended by Public Law 111–203, section 1097, 124 Stat. 2102 (July 21, 2010).

#### § 1015.11 Severability.

The provisions of this rule are separate and severable from one another. If any provision is stayed or determined to be invalid, it is the Bureau of Consumer Financial Protection's intention that the remaining provisions shall continue in effect.

Dated: October 24, 2011.

**Alastair M. Fitzpayne,**

*Deputy Chief of Staff and Executive Secretary,*  
*Department of the Treasury.*

[FR Doc. 2011–31731 Filed 12–15–11; 8:45 am]

**BILLING CODE 4810-AM-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2011–1317; Directorate Identifier 2011–NM–193–AD; Amendment 39–16893; AD 2011–26–03]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Model 777–200, –200LR, –300, and –300ER Series Airplanes

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

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

**SUMMARY:** We are superseding an existing airworthiness directive (AD) for certain Model 777–200, –300, and –300ER series airplanes. That AD currently requires installing Teflon sleeving under the clamps of certain wire bundles routed along the fuel tank boundary structure, and cap sealing certain penetrating fasteners of the main and center fuel tanks. This AD expands the applicability in the existing AD. This AD was prompted by fuel system reviews conducted by the manufacturer, which determined that electrical arcing on the fuel tank boundary structure or inside the fuel tanks could result in a fire or explosion. We are issuing this AD to correct the unsafe condition on these products.

**DATES:** This AD is effective January 3, 2012.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 20, 2011 (75 FR 78588, December 16, 2010).

We must receive any comments on this AD by January 30, 2012.

**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 W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services

Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone (206) 544-5000, extension 1; fax (206) 766-5680; email [me.boecom@boeing.com](mailto:me.boecom@boeing.com); Internet <https://www.myboeingfleet.com>. You may review copies of the referenced 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.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility 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 Office (*phone*: (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Margaret Langsted, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057-3356; *phone*: (425) 917-6500; fax: (425) 917-6590; email [margaret.langsted@faa.gov](mailto:margaret.langsted@faa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Discussion

On November 18, 2010, we issued AD 2010-24-12, amendment 39-16531 (75 FR 78588, December 16, 2010), for certain Model 777-200, -300, and -300ER series airplanes. That AD requires installing Teflon sleeving under the clamps of certain wire bundles routed along the fuel tank boundary structure, and cap sealing certain penetrating fasteners of the main and center fuel tanks. That AD resulted from fuel system reviews conducted by the manufacturer. We issued that AD to

prevent electrical arcing on the fuel tank boundary structure or inside the fuel tanks, which could result in a fire or explosion.

#### Actions Since AD was Issued

Since we issued AD 2010-24-12, Amendment 39-16531 (75 FR 78588, December 16, 2010), the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, asked that we specify if Model 777-200LR airplanes are affected by the existing AD, and clarify Note 1 of the existing AD. We have determined that Model 777-200LR airplanes were inadvertently excluded from the applicability of the existing AD. The subject airplanes are identified in the effectivity of Boeing Alert Service Bulletin 777-57A0059, dated October 30, 2008, which was referred to in the existing AD as the appropriate source of service information for accomplishing certain actions. In light of these facts, we have added Model 777-200LR airplanes to the applicability in this AD as they are subject to the identified unsafe condition.

We have also revised Note 1 of the existing AD to further clarify the applicability of the AD with regard to Model 777-200 airplanes.

#### FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

#### AD Requirements

This AD retains all requirements of AD 2010-24-12, Amendment 39-16531 (75 FR 78588, December 16, 2010). This AD adds Model 777-200LR airplanes to the applicability of the existing AD, and adds paragraph (i) to this AD to specify the actions (cap sealing the fasteners) required for those airplanes.

#### FAA's Justification and Determination of the Effective Date

The FAA has found that an additional airplane model has been identified which is subject to the same unsafe condition specified in AD 2010-24-12, Amendment 39-16531 (75 FR 78588, December 16, 2010). There are no U.S.-registered Model 777-200LR airplanes; therefore, we find that notice and opportunity for prior public comment are unnecessary 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 provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA-2011-1317; and directorate identifier 2011-NM-193-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.

#### Costs of Compliance

We estimate that this AD affects 129 airplanes of U.S. registry. This new AD adds no additional economic burden. The current costs for this AD are repeated for the convenience of affected operators, as follows:

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2010-24-12, (75 FR 78588, December 16, 2010).	Between 278 and 358 work-hours × \$85 per hour.	\$2,241	Between \$25,871 and \$32,671 per product.	Between \$3,337,359 and \$4,214,559.

Currently, there are no affected Model 777-200LR airplanes on the U.S. Register. However, if a Model 777-200LR airplane is imported and placed on the U.S. Register in the future, the required actions will take about 480

work hours, at an average labor rate of \$85 per work hour. Required parts cost about \$2,241 per product. Based on these figures, we estimate the cost of this AD for Model 777-200LR airplanes to be \$43,041 per airplane.

#### 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

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 that this AD:*

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) 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.

### 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 part 39 of the Federal Aviation Regulations (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) 2010-24-12, amendment 39-16531 (75 FR 78588, December 16, 2010), and adding the following new AD:

**2011-26-03 The Boeing Company:**  
Amendment 39-16893; Docket No. FAA-2011-1317; Directorate Identifier 2011-NM-193-AD.

#### (a) Effective Date

This AD is effective January 3, 2012.

#### (b) Affected ADs

This AD supersedes AD 2010-24-12, amendment 39-16531 (75 FR 78588, December 16, 2010).

#### (c) Applicability

This AD applies to The Boeing Company airplanes, certificated in any category, as identified in the applicable service information specified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD.

(1) For Model 777-200, -300, and -300ER airplanes: Boeing Service Bulletin 777-57A0050, Revision 2, dated May 14, 2009.

(2) For Model 777-200 and -300 airplanes: Boeing Alert Service Bulletin 777-57A0051, dated May 15, 2006.

(3) For Model 777-200, -300, and -300ER airplanes: Boeing Alert Service Bulletin 777-57A0057, Revision 1, dated August 2, 2007.

(4) For Model 777-200, -200LR, -300, and -300ER airplanes: Boeing Alert Service Bulletin 777-57A0059, dated October 30, 2008.

**Note 1:** Operators should consider any reference to Model 777-200ER airplanes identified in the service information specified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, as applicable, to be to the Model 777-200 airplanes designated by the type certificate data sheet.

#### (d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 57: Wings.

#### (e) Unsafe Condition

This AD was prompted by fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent electrical arcing on the fuel tank boundary structure or inside the main and center fuel tanks, which could result in a fire or explosion.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

**Restatement of Requirements of AD 2010-24-12, Amendment 39-16531 (75 FR 78588, December 16, 2010)**

#### (g) Corrective Actions (Installing Teflon Sleeving, Cap Sealing, One-Time Inspection)

Within 60 months after January 20, 2011 (the effective date of AD 2010-24-12, amendment 39-16531 (75 FR 78588, December 16, 2010)), do the applicable actions specified in paragraph (g)(1), (g)(2), (g)(3), or (g)(4) of this AD.

(1) For airplanes identified in Boeing Service Bulletin 777-57A0050, Revision 2, dated May 14, 2009: Install Teflon sleeving under the clamps of certain wire bundles routed along the fuel tank boundary structure and cap seal certain penetrating fasteners of the fuel tanks, in accordance with the

Accomplishment Instructions of Boeing Service Bulletin 777-57A0050, Revision 2, dated May 14, 2009.

(2) For airplanes identified in Boeing Alert Service Bulletin 777-57A0051, dated May 15, 2006: Cap seal certain penetrating fasteners of the fuel tanks, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 777-57A0051, dated May 15, 2006.

(3) For airplanes identified in Boeing Alert Service Bulletin 777-57A0057, Revision 1, dated August 2, 2007: Do a general visual inspection to determine if certain fasteners are cap sealed and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 777-57A0057, Revision 1, dated August 2, 2007. Do all applicable corrective actions before further flight.

(4) For Model 777-200, -300, and -300ER airplanes identified in Boeing Alert Service Bulletin 777-57A0059, dated October 30, 2008: Cap seal the fasteners in the center fuel tanks that were not sealed during production, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 777-57A0059, dated October 30, 2008.

#### (h) Credit for Actions Done Using Previous Issues of the Service Bulletins

(1) Actions done before January 20, 2011, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 777-57A0050, dated January 26, 2006; or Revision 1, dated August 2, 2007; are acceptable for compliance with the corresponding actions required by paragraph (g)(1) of this AD, provided that the applicable additional work specified in Boeing Service Bulletin 777-57A0050, Revision 2, dated May 14, 2009, is done within the compliance time specified in paragraph (g) of this AD. The additional work must be done in accordance with Boeing Service Bulletin 777-57A0050, Revision 2, dated May 14, 2009.

(2) Actions done before January 20, 2011, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 777-57A0057, dated August 7, 2006, are acceptable for compliance with the actions required by paragraph (g)(3) of this AD.

#### New Requirements of This AD

##### (i) Cap Sealing the Fasteners

For Model 777-200LR airplanes identified in Boeing Alert Service Bulletin 777-57A0059, dated October 30, 2008: Within 60 months after the effective date of this AD, cap seal the fasteners in the center fuel tanks that were not sealed during production, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 777-57A0059, dated October 30, 2008.

##### (j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle 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. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly

to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and the approval must specifically refer to this AD.

#### (k) Related Information

For more information about this AD, contact Margaret Langsted, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, Washington 98057-3356; *phone*: (425) 917-6500; *fax*: (425) 917-6590; email [margaret.langsted@faa.gov](mailto:margaret.langsted@faa.gov).

#### (l) Material Incorporated by Reference

(1) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference (IBR) under 5 U.S.C. 552(a) and 1 CFR part 51 of the following service information on January 20, 2011 (75 FR 78588, December 16, 2010).

(i) Boeing Service Bulletin 777-57A0050, Revision 2, dated May 14, 2009;

(ii) Boeing Alert Service Bulletin 777-57A0051, dated May 15, 2006;

(iii) Boeing Alert Service Bulletin 777-57A0057, Revision 1, dated August 2, 2007; and

(iv) Boeing Alert Service Bulletin 777-57A0059, dated October 30, 2008.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone (206) 544-5000, extension 1, fax (206) 766-5680; email [me.boecom@boeing.com](mailto:me.boecom@boeing.com); Internet <https://www.myboeingfleet.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.

(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 an NARA facility, 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 December 5, 2011.

**Ali Bahrami,**

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

[FR Doc. 2011-31893 Filed 12-15-11; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 61

[Docket No. FAA-2006-26661; Amdt. No. 61-129]

RIN 2120-A186

#### Pilot, Flight Instructor, and Pilot School Certification; Technical Amendment

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The FAA is correcting a final rule published on August 21, 2009 (74 FR 42500). In that rule, the FAA amended its regulations to revise the training, qualification, certification, and operating requirements for pilots, flight instructors, ground instructors, and pilot schools. This document corrects an error in the codified text of that document to permit a person serving as an examiner and administering a practical test for the issuance of a sport pilot certificate in a light-sport aircraft other than a glider or balloon to hold either a medical certificate or a U.S. driver's license. The FAA is also clarifying the regulatory text related to when an instrument proficiency check is required to act as pilot in command under IFR or in weather conditions less than the minimums prescribed for VFR. Finally, this document corrects one section of the final rule to clarify the FAA's original intent with regard to the use of flight simulation training devices for training and testing when seeking to add a type rating to an existing pilot certificate or obtain a type rating concurrently with a pilot certificate.

**DATES:** Effective December 16, 2011.

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this action, contact Jeffrey Smith, Airmen Certification and Training Branch, AFS-810, General Aviation and Commercial Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 493-4789; email to [jeffrey.smith@faa.gov](mailto:jeffrey.smith@faa.gov).

## SUPPLEMENTARY INFORMATION:

### Background

On August 21, 2009, the FAA published a final rule entitled, "Pilot, Flight Instructor, and Pilot School Certification" (74 FR 42500). That final rule revised the training, qualification, certification, and operating requirements for pilots, flight instructors, ground instructors, and pilot schools. The FAA is now issuing a technical amendment to correct an error in § 61.23 and to clarify the original intent of § 61.64.

### Discussion of Technical Amendment to § 61.23

As part of the 2009 final rule, the FAA revised § 61.23 to set forth the medical certification requirements for persons serving as examiners and administering practical tests. As modified in the final rule, the current text of that section requires an examiner administering a practical test in an aircraft, other than a glider or balloon, to hold at least a third-class medical certificate.

During the rulemaking process, the FAA received a comment stating that examiners administering practical tests to applicants for a sport pilot certificate should not be required to hold a medical certificate. These tests—particularly those conducted in powered parachutes and weight-shift-control aircraft—are frequently conducted by examiners who hold only a sport pilot certificate. A person exercising the privileges of a sport pilot certificate may hold either a medical certificate or a U.S. driver's license to exercise those privileges. Although the preamble to the final rule acknowledged the comment, the regulatory text did not address the issue raised by the comment.

Although an examiner is generally not the pilot in command of an aircraft during a practical test, an examiner may, on occasion, need to act as pilot in command of an aircraft during the course of a practical test. Accordingly, the FAA believes that an examiner must meet the appropriate medical certification requirements to act as pilot in command of the aircraft in which the test is being conducted should the need arise. An examiner conducting a practical test for a sport pilot certificate in a light-sport aircraft other than a glider or balloon would therefore only need to hold either a medical certificate or a U.S. driver's license.

The technical amendment will revise § 61.23(c) to permit a person to serve as an examiner and administer a practical test for the issuance of a sport pilot certificate in a light-sport aircraft other