

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.

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 (phone: (800) 647-5527) is provided in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

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:

2012-12-20 Turbomeca S.A.: Amendment 39-17100; Docket No. FAA-2012-0057; Directorate Identifier 2012-NE-04-AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective July 26, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Turbomeca S.A. Arriel 2C1, 2C2, and 2S2 turboshaft engines with any of the digital engine control units (DECUs) listed in Table 1 of this AD installed.

TABLE 1—SERIAL NUMBERS OF AFFECTED DECUS

529	558	560	655
696	869	878	939
983	1039	1050	1052
1150	1195	1208	1236
1302	1304	1329	1330
1350	1384	1408	1412
1416	1429	1430	1440
1464	1468	1472	1499
1508	1528	1557	1558
1560	1567	1578	1615
1616	1656	1689	N/A

(d) Reason

This AD was prompted by a report of a helicopter experiencing a DECU malfunction during flight. We are issuing this AD to prevent loss of automatic control on one or both engines installed on the same helicopter, which could result in an uncommanded in-flight engine shutdown, forced autorotation landing, or accident.

(e) Actions and Compliance

Unless already done, do the following actions.

- (1) For any helicopter fitted with two DECUs listed in Table 1 of this AD:
 - (i) Within 50 engine hours after the effective date of this AD, replace one of the two DECUs with a DECU that is not listed in Table 1 of this AD.
 - (ii) Within 1,000 engine hours or 12 months after the effective date of this AD, whichever occurs first, replace the other DECU with a DECU that is not listed in Table 1 of this AD.

(2) For any helicopter fitted with one DECU listed in Table 1 of this AD, within 1,000 engine hours or 12 months after the effective date of this AD, whichever occurs first, replace the DECU with a DECU that is not listed in Table 1 of this AD.

(f) Installation Prohibition

From the effective date of this AD, do not install a DECU listed in Table 1 of this AD onto any engine, and do not install any engine having a DECU listed in Table 1 of this AD, onto a helicopter.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(h) Related Information

(1) For more information about this AD, contact Rose Len, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781-238-7772; fax: 781-238-7199; email: rose.len@faa.gov.

(2) Refer to European Aviation Safety Agency AD 2011-0249, dated December 22, 2011, and Turbomeca Alert Mandatory Service Bulletin No. A292 73 2845, Version A, dated December 19, 2011, for related information.

(3) For service information identified in this AD, contact Turbomeca, 40220 Tarnos, France; phone: 33 05 59 74 40 00; fax: 33 05 59 74 45 15. You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781-238-7125.

(i) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on June 14, 2012.

Colleen M. D'Alessandro,

Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2012-15182 Filed 6-20-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

20 CFR Parts 701, 702, 703, 725, and 726

RIN 1240-AA05

Technical Amendments

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Final rule.

SUMMARY: The Office of Workers' Compensation Programs is making

technical amendments to reflect the dissolution of the Employment Standards Administration and the Secretary's delegation of authority to administer the Longshore and Harbor Workers' Compensation Act (and its extensions) and the Black Lung Benefits Act to the Director, Office of Workers' Compensation Programs. The amendments also add and update Internet addresses, and update cross-references to other regulations.

DATES: Effective June 21, 2012.

FOR FURTHER INFORMATION CONTACT: Gary Steinberg, Acting Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Room S-3524, 200 Constitution Avenue NW., Washington, DC 20210. *Telephone:* (202) 693-0031 (this is not a toll-free number). TTY/TDD callers may dial toll free 1-800-877-8339 for further information.

SUPPLEMENTARY INFORMATION:

I. Background of This Rulemaking

Prior to November 8, 2009, the Secretary of Labor had delegated her statutory authority to administer the Longshore and Harbor Workers' Compensation Act and its extensions (LHWCA) and the Black Lung Benefits Act (BLBA) to the Assistant Secretary for the Employment Standards Administration (ESA). Secretary's Order 13-71, 36 FR 8755 (May 12, 1971). The Assistant Secretary, in turn, delegated authority to administer both programs to the Office of Workers' Compensation Programs (OWCP), one of ESA's sub-agencies.

On November 8, 2009, the Secretary dissolved ESA into its constituent components. *See* Secretary's Order 10-2009, 74 FR 58834 (Nov. 13, 2009). The Secretary then delegated her authority to administer the LHWCA and the BLBA directly to the Director, OWCP. *Id.*

To reflect this transfer of administrative authority, the Secretary issued a final rule changing the heading of 20 CFR chapter VI, which contains regulations implementing the LHWCA and the BLBA, from "Employment Standards Administration" to "Office of Workers' Compensation Programs." 75 FR 63379 (Oct. 15, 2010).

Numerous references to ESA remain in the regulatory text published in 20 CFR chapter VI. On January 18, 2011, the President issued Executive Order 13563, 76 FR 3821, calling upon agencies to review existing regulations and to revise outmoded provisions. In accordance with the Executive Order, this rule updates the regulations to reflect the Department's current organizational structure. The rule deletes all references to ESA and

ensures that the regulations, in all respects, reflect that OWCP is the agency empowered to administer the LHWCA and the BLBA. The revisions do not change any substantive rule governing administration of these statutes.

ESA's dissolution has also necessitated revising several Internet addresses in these regulations, which previously included references to ESA in their URLs. This rule updates all Internet addresses in this chapter. In addition, this rule updates cross-references to other sections within Title 20 to correspond to changes in those other sections.

II. Statutory Authority

Section 39(a) of the LHWCA (33 U.S.C. 939(a)) and sections 411(b), 422(a), and 426(a) of the BLBA (30 U.S.C. 921(b), 932(a), and 936(a)) authorize the Secretary of Labor to prescribe rules and regulations necessary for the administration and enforcement of the LHWCA and the BLBA.

III. Rulemaking Analyses

Administrative Procedure Act

The Department has not published a notice of proposed rulemaking for this rule. Under Administrative Procedure Act (APA) section 553(b)(A), 5 U.S.C. 553(b)(A), the Department finds that this rule is exempt from notice and comment rulemaking requirements because these revisions involve rules of agency organization, procedure, or practice. In addition, the Department finds good cause under APA section 553(b)(B), 5 U.S.C. 553(b)(B), to publish this rule without notice and comment procedures because the rule only reflects the delegation of administrative authority within the Department and makes minor clerical updates, and does not alter any substantive standard. For these same reasons, the Department finds that good cause exists for making the rule effective upon publication under APA section 553(d)(3), 5 U.S.C. 553(d)(3).

Regulatory Flexibility Act

This rule is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it is not subject to the APA's proposed rulemaking requirements.

Congressional Review Provisions of the Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not classified as a "rule" under SBREFA, because it is a rule pertaining to agency organization,

procedure, or practice that does not substantially affect the right of non-agency parties (*see* 5 U.S.C. 804(3)(C)).

Unfunded Mandates Reform Act

This rule is not subject to sections 202 or 205 of the Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) because it is not subject to the APA's proposed rulemaking requirements. In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate as described in sections 203 and 204 of the UMRA.

Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Executive Order 12866

This rule is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735).

Executive Order 13132 (Federalism)

The Department has reviewed this rule in accordance with Executive Order 13132 (64 FR 43255) regarding federalism, and has determined that it does not have "federalism implications." The rule will not "have substantial direct effects 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."

Executive Order 12988 (Civil Justice Reform)

This rule meets the applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform (61 FR 4729), to minimize litigation, eliminate ambiguity, and reduce burden.

List of Subjects

20 CFR Part 701

Longshore and harbor workers, Organization and functions (Government agencies), Workers' compensation.

20 CFR Part 702

Administrative practice and procedure, Claims, Health care, Health professions, Longshore and harbor workers, Reporting and recordkeeping requirements, Vocational rehabilitation, Whistleblowing, Workers' compensation.

20 CFR Part 703

Insurance companies, Longshore and harbor workers, Reporting and recordkeeping requirements, Workers' compensation.

20 CFR Part 725

Administrative practice and procedure, Black lung benefits, Claims, Health care, Reporting and recordkeeping requirements, Vocational rehabilitation, Workers' compensation.

20 CFR Part 726

Black lung benefits, Insurance companies, Reporting and recordkeeping requirements, Workers' compensation.

For the reasons set forth in the preamble, amend 20 CFR parts 701, 702, 703, 725, and 726 as follows:

**PART 701—GENERAL;
ADMINISTERING AGENCY;
DEFINITIONS AND USE OF TERMS**

■ 1. The authority citation for Part 701 is revised to read as follows:

Authority: 5 U.S.C. 301, 8171 *et seq.*; 33 U.S.C. 939; 36 D.C. Code 501 *et seq.*; 42 U.S.C. 1651 *et seq.*; 43 U.S.C. 1333; Reorganization Plan No. 6 of 1950, 15 FR 3174, 3 CFR, 1949–1953 Comp., p. 1004, 64 Stat. 1263; Secretary's Order 10–2009, 74 FR 58834.

■ 2. In § 701.301, remove and reserve paragraph (a)(3), and revise the first sentence of paragraph (a)(5) to read as follows:

§ 701.301 Definitions and use of terms.

(a) * * *

(3) [Reserved]

(4) * * *

(5) *Office of Workers' Compensation Programs* or *OWCP* or *the Office* means the Office of Workers' Compensation Programs, referred to in § 701.201.

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**PART 702—ADMINISTRATION AND
PROCEDURE**

■ 3. The authority citation for Part 702 is revised to read as follows:

Authority: 5 U.S.C. 301, 8171 *et seq.*; 33 U.S.C. 939; 36 D.C. Code 501 *et seq.*; 42 U.S.C. 1651 *et seq.*; 43 U.S.C. 1333; Reorganization Plan No. 6 of 1950, 15 FR 3174, 3 CFR 1949–1953, Comp., p. 1004, 64 Stat. 1263; Secretary's Order 10–2009, 74 FR 58834.

■ 4. Revise the second sentence of § 702.413 to read as follows:

**§ 702.413 Fees for medical services;
prevailing community charges.**

* * * Where a dispute arises concerning the amount of a medical bill,

the Director shall determine the prevailing community rate using the OWCP Medical Fee Schedule (as described in 20 CFR 10.805 *through 10.810*) to the extent appropriate, and where not appropriate, may use other state or federal fee schedules. * * *

■ 5. Revise § 702.414(a)(1)(iv) to read as follows:

**§ 702.414 Fees for medical services;
unresolved disputes on prevailing charges.**

(a) * * *

(1) * * *

(iv) the provider or service is not one covered by the OWCP fee schedule as described by 20 CFR 10.805 *through 10.810*.

* * * * *

**PART 703—INSURANCE
REGULATIONS**

■ 6. The authority citation for Part 703 is revised to read as follows:

Authority: 5 U.S.C. 301, 8171 *et seq.*; 31 U.S.C. 9701; 33 U.S.C. 939; 36 D.C. Code 501 *et seq.*; 42 U.S.C. 1651 *et seq.*; 43 U.S.C. 1333; Reorganization Plan No. 6 of 1950, 15 FR 3174; 3 CFR, 1949–1953 Comp., p. 1004, 64 Stat. 1263; Secretary's Order 10–2009, 74 FR 58834.

■ 7. Revise § 703.2(b) to read as follows:

§ 703.2 Forms.

* * * * *

(b) Copies of the forms listed in this section are available for public inspection at the Office of Workers' Compensation Programs, U.S. Department of Labor, Washington, DC 20210. They may also be obtained from OWCP district offices and on the Internet at <http://www.dol.gov/owcp/dlhwc>.

■ 8. Revise the first sentence of § 703.202(b) to read as follows:

**§ 703.202 Identification of significant gaps
in State guaranty fund coverage for LHWCA
obligations.**

* * * * *

(b) OWCP will identify States without guaranty funds and States with guaranty funds that do not fully and immediately secure LHWCA obligations and will post its findings on the Internet at <http://www.dol.gov/owcp/dlhwc>. * * *

■ 9. Revise § 703.203(a)(1) to read as follows:

**§ 703.203 Application for security deposit
determination; information to be submitted;
other requirements.**

(a) * * *

(1) Any carrier seeking an exemption from the security deposit requirements based on its financial standing (*see* § 703.204(c)(1)) must submit documentation establishing the carrier's

current rating and its rating for the immediately preceding year from each insurance rating service designated by the Branch and posted on the Internet at <http://www.dol.gov/owcp/dlhwc>.

* * * * *

■ 10. Revise § 703.204(c)(1) to read as follows:

**§ 703.204 Decision on insurance carrier's
application; minimum amount of deposit.**

* * * * *

(c) * * *

(1) Carriers who hold the highest rating awarded by each of the three insurance rating services designated by the Branch and posted on the Internet at <http://www.dol.gov/owcp/dlhwc> for both the current rating year and the immediately preceding year will not be required to deposit security.

* * * * *

**PART 725—CLAIMS FOR BENEFITS
UNDER PART C OF TITLE IV OF THE
FEDERAL MINE SAFETY AND HEALTH
ACT, AS AMENDED**

■ 11. The authority citation for Part 725 is revised to read as follows:

Authority: 5 U.S.C. 301, Reorganization Plan No. 6 of 1950, 15 FR 3174; 30 U.S.C. 901 *et seq.*, 902(f), 921, 932, 936; 33 U.S.C. 901 *et seq.*, 42 U.S.C. 405; Secretary's Order 10–2009, 74 FR 58834.

■ 12. Revise § 725.101(a)(17) to read as follows:

§ 725.101 Definition and use of terms.

(a) * * *

(17) *Division* or *DCMWC* means the Division of Coal Mine Workers' Compensation in the OWCP, United States Department of Labor.

* * * * *

**PART 726—BLACK LUNG BENEFITS;
REQUIREMENTS FOR COAL MINE
OPERATOR'S INSURANCE**

■ 13. The authority citation for Part 726 is revised to read as follows:

Authority: 5 U.S.C. 301; 30 U.S.C. 901 *et seq.*, 902(f), 925, 932, 933, 934, 936; 33 U.S.C. 901 *et seq.*; Reorganization Plan No. 6 of 1950, 15 FR 3174; Secretary's Order 10–2009, 74 FR 58834.

■ 14. Revise § 726.6 to read as follows:

**§ 726.6 The Office of Workers'
Compensation Programs.**

The Office of Workers' Compensation Programs (hereinafter the Office or OWCP) is that division of the U.S. Department of Labor which has been empowered by the Secretary of Labor to carry out his or her functions under section 415 and part C of title IV of the Act. As noted throughout this part 726

the Office shall perform a number of functions with respect to the regulation of both the self-insurance and commercial insurance programs. All correspondence with or submissions to the Office should be addressed as follows: Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, U.S. Department of Labor, Washington, DC 20210.

■ 15. Revise § 726.301(a) to read as follows:

§ 726.301 Definitions.

* * * * *

(a) *Division Director* means the Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, or such other official authorized by the Division Director to perform any of the functions of the Division Director under this subpart.

* * * * *

■ 16. Revise the second sentence of § 726.307(a) to read as follows:

§ 726.307 Form of notice of contest and request for hearing.

(a) * * * The notice of contest shall be made in writing to the Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, United States Department of Labor. * * *

* * * * *

Signed at Washington, DC, this the 12th day of June 2012.

Gary Steinberg,

Acting Director, Office of Workers' Compensation Programs.

[FR Doc. 2012-15029 Filed 6-20-12; 8:45 am]

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DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Parts 40, 41, 44, and 45

[Docket No. TTB-2009-0002; T.D. TTB-104; Re: T.D. TTB-78, Notice No. 95 and Notice No. 98; T.D. TTB-80; T.D. TTB-81 and Notice No. 99]

RIN 1513-AB72

Implementation of Statutory Amendments Requiring the Qualification of Manufacturers and Importers of Processed Tobacco and Other Amendments Related to Permit Requirements, and the Expanded Definition of Roll-Your-Own Tobacco

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau is making permanent, with some changes, temporary regulatory amendments promulgated in response to certain changes that the Children's Health Insurance Program Reauthorization Act of 2009 made to the tobacco provisions of the Internal Revenue Code of 1986. The regulatory amendments adopted in this final rule include permit and related requirements for manufacturers and importers of processed tobacco, requirements for manufacturers of tobacco products who also manufacture processed tobacco, and regulations related to the expansion of the definition of roll-your-own tobacco.

DATES: Effective June 21, 2012, the temporary regulations published in the **Federal Register** at 74 FR 29401 on June 22, 2009, at 74 FR 37551 on July 29, 2009, and at 74 FR 48650 on September 24, 2009 are adopted as final, and these regulations will no longer have a sunset date of June 22, 2012. The amendments to 27 CFR parts 40 and 41 contained in this rule are effective June 21, 2012.

FOR FURTHER INFORMATION CONTACT:

Amy Greenberg, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau 1310 G St. NW., Box 12, Washington, DC 20005; phone (202) 453-1039, ext. 099.

SUPPLEMENTARY INFORMATION:

Background

TTB Authority

Chapter 52 of the Internal Revenue Code of 1986 (IRC) sets forth the Federal excise tax and related provisions that apply to manufacturers and importers of tobacco products, processed tobacco, and cigarette papers and tubes, and to export warehouse proprietors who hold such products, upon which tax has not been paid, pending export. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers chapter 52 of the IRC pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120-01 (Revised), dated January 21, 2003, to the TTB Administrator to perform the functions and duties in the administration and enforcement of this law.

Section 5701 of the IRC (26 U.S.C. 5701) sets forth the excise tax rates that apply to domestic and imported tobacco products and cigarette papers and tubes. Section 5702 of the IRC (26 U.S.C. 5702) defines tobacco products as cigars, cigarettes, smokeless tobacco, pipe

tobacco, and roll-your-own tobacco and separately defines each of these terms. That section also defines other relevant terms, such as "manufacturer of tobacco products," "importer," and "export warehouse proprietor."

Sections 5712 and 5713 of the IRC (26 U.S.C. 5712 and 5713) provide that manufacturers and importers of tobacco products and processed tobacco and export warehouse proprietors must obtain a permit to engage in such businesses. Section 5712 also allows for the promulgation of regulations to prescribe minimum manufacturing and activity requirements for such permittees. Sections 5721, 5722, and 5741 of the IRC (26 U.S.C. 5721, 5722, 5741) authorize the promulgation of regulations to require inventories, reports, and recordkeeping, respectively. Section 5723 of the IRC (26 U.S.C. 5723) includes authority to promulgate regulations regarding standards for packages, and for marks, labels, and notices on such packages of tobacco products, processed tobacco, and cigarette papers and tubes.

Regulations implementing the provisions of chapter 52 of the IRC are contained in 27 CFR parts 40 (manufacture of tobacco products, cigarette papers and tubes, and processed tobacco), 41 (importation of tobacco products, cigarette papers and tubes, and processed tobacco), 44 (exportation of tobacco products and cigarette papers and tubes, without payment of tax, or with drawback of tax), and 45 (removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States). These regulatory provisions are administered by TTB.

Children's Health Insurance Program Reauthorization Act of 2009

On February 4, 2009, the President signed into law the Children's Health Insurance Program Reauthorization Act of 2009, Public Law 111-3, 123 Stat. 8 ("CHIPRA"). Section 701 of CHIPRA amended the IRC to increase the Federal excise tax rates on tobacco products and cigarette papers and tubes. Section 701 also imposed a floor stocks tax on such articles held for sale on the effective date of the tax rate increases (April 1, 2009). On March 31, 2009, TTB published in the **Federal Register** (74 FR 14479) a temporary rule, T.D. TTB-75, to amend the TTB regulations to reflect the section 701 changes. On July 22, 2010, TTB published in the **Federal Register** (75 FR 42605) T.D. TTB-85 which adopted those temporary regulations as a final rule. The section 701 statutory and regulatory changes are not the subject of this document.