

(1) No further action is required by paragraph (g) of this AD if no MLG retraction actuator having P/N 190-70980-403 is found.

(2) If any MLG retraction actuator having P/N 190-70980-403 is found, do a GVI of the actuator and bolt (P/N 2821-0028) for discrepancies (such as cracks, damage, and movement between the actuator rod end and shock strut lug of the MLG retraction actuator), in accordance with "Part I" of the Accomplishment Instructions of EMBRAER Service Bulletin 190-32-0036, dated October 4, 2010 (for all Model ERJ 190 airplanes); or EMBRAER Service Bulletin 190LIN-32-0014, dated February 10, 2011 (for Model 190-100 ECJ airplanes); within the applicable compliance time specified in paragraphs (g)(2)(i) and (g)(2)(ii) of this AD. Repeat the inspection, thereafter, at intervals not to exceed 3,500 flight cycles, until the actions required by paragraph (j) of this AD are done.

(i) For any MLG retraction actuator that has accumulated fewer than 3,500 total flight cycles as the effective date of this AD, do the GVI of the actuator before the accumulation of 4,500 total flight cycles on the MLG retraction actuator.

(ii) For any MLG retraction actuator that has accumulated 3,500 total flight cycles or more as of the effective date of this AD, do the GVI of the actuator within 1,000 flight cycles after the effective date of this AD.

(3) For the purpose of this AD, a general visual inspection (GVI) is: "A visual examination of an interior or exterior area, installation or assembly to detect obvious damage, failure or irregularity. This level of inspection is made from within touching distance, unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight or droplight, and may require removal or opening of access panels or doors. Stands, ladders or platforms may be required to gain proximity to the area being checked."

(h) Corrective Actions

If any discrepancy is found during any inspection required by paragraph (g)(2) of this AD, including any movement between the actuator rod-end and shock strut lug: Before further flight, replace the MLG retraction actuator, and as applicable the anti-rotation pin and the attachment bolt, in accordance with "Part II" and "Part III," as applicable, of the Accomplishment Instructions of EMBRAER Service Bulletin 190-32-0036, dated October 4, 2010 (for all Model ERJ 190 airplanes), or EMBRAER Service Bulletin 190LIN-32-0014, dated February 10, 2011 (for Model 190-100 ECJ airplanes); except where EMBRAER Service Bulletin 190-32-0036, dated October 4, 2010 (for all Model ERJ 190 airplanes), or EMBRAER Service Bulletin 190LIN-32-0014, dated February 10, 2011 (for Model 190-100 ECJ airplanes), specifies to contact the manufacturer, before further flight repair, in accordance with a method approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, or Agência Nacional de Aviação Civil (or its delegated agent).

(i) Replacement for MLG Retraction Actuator Having P/N 190-70980-403

Before any MLG retraction actuator having P/N 190-70980-403 accumulates 12,000 total flight cycles or within 1,000 flight cycles after the effective date of this AD, whichever occurs later, replace the actuator with new a actuator having P/N 190-70980-405, and modify the attachment points, in accordance with "Part I" and "Part II," as applicable, of the Accomplishment Instructions of EMBRAER Service Bulletin 190-32-0037, dated October 6, 2010 (for all Model ERJ 190 airplanes); or EMBRAER Service Bulletin 190LIN-32-0015, dated February 10, 2011 (for Model 190-100 ECJ airplanes).

(j) Replacement for All Actuators

For all actuators: Within 20,000 flight cycles or within 96 months after the effective date of this AD, whichever occurs first, do the replacement and modification, as applicable, in accordance with "Part III" of the Accomplishment Instructions of EMBRAER Service Bulletin 190-32-0037, dated October 6, 2010 (for all Model ERJ 190 airplanes); or EMBRAER Service Bulletin 190LIN-32-0015, dated February 10, 2011 (for Model 190-100 ECJ airplanes). Doing the actions in this paragraph terminates the action for the requirements specified in paragraphs (g), (h), and (i) of this AD.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Branch, ANM-116, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. 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 International Branch, send it to ATTN: Cindy Ashforth, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057-3356; telephone (425) 227-2768; fax (425) 227-1149. Information may be emailed to: 9-ANM-116-AMOC-REQUESTS@faa.gov. 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. 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 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.

(l) Related Information

Refer to MCAI Brazilian Airworthiness Directive 2011-02-01, dated February 12, 2011, and the service information in paragraph (l)(1) through (l)(4) of this AD; for related information.

(1) EMBRAER Service Bulletin 190-32-0036, dated October 4, 2010.

(2) EMBRAER Service Bulletin 190-32-0037, dated October 6, 2010.

(3) EMBRAER Service Bulletin 190LIN-32-0014, dated February 10, 2011.

(4) EMBRAER Service Bulletin 190LIN-32-0015, dated February 10, 2011.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the following service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise.

(i) EMBRAER Service Bulletin 190-32-0036, dated October 4, 2010.

(ii) EMBRAER Service Bulletin 190-32-0037, dated October 6, 2010.

(iii) EMBRAER Service Bulletin 190LIN-32-0014, dated February 10, 2011.

(iv) EMBRAER Service Bulletin 190LIN-32-0015, dated February 10, 2011.

(3) For service information identified in this AD, contact Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227-901 São Jose dos Campos—SP—BRASIL; telephone +55 12 3927-5852 or +55 12 3309-0732; fax +55 12 3927-7546; email distrib@embraer.com.br; Internet <http://www.flyembraer.com>.

(4) 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.

(5) 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.

Issued in Renton, Washington, on July 13, 2012.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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BILLING CODE 4910-13-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1275

[Docket Number NASA-0031]

RIN 2700-AD84

Research Misconduct

AGENCY: National Aeronautics and Space Administration.

ACTION: Direct final rule.

SUMMARY: The NASA Research Misconduct rule describes procedures to

be used by NASA for the handling of allegations of research misconduct. This direct final rule makes non-substantive changes to the policy governing the handling of allegations of research misconduct and updates to reflect organizational changes that have occurred in the Agency. The revisions to this rule are part of NASA's retrospective plan under EO 13563 completed in August 2011. NASA's full plan can be accessed at: <http://www.nasa.gov/open/>.

DATES: This direct final rule is effective on September 28, 2012, unless adverse comment is received by August 29, 2012. If adverse comment is received, NASA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Comments must be identified with RN 2700-AD84 and may be sent to NASA via the Federal E-Rulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitted comments. Please note that NASA will post all comments on the Internet with changes, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Teresa Fryberger, Office of the Chief Scientist, NASA Headquarters, telephone (202) 358-1982.

SUPPLEMENTARY INFORMATION:

Direct Final Rule and Significant Adverse Comments

NASA has determined this rulemaking meets the criteria for a direct final rule because it involves nonsubstantive changes dealing with NASA's procedures for dealing with research misconduct. NASA expects no opposition to the changes and no significant adverse comments. However, if NASA receives a significant adverse comment, the Agency will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, NASA will consider whether it warrants a substantive response in a notice and comment process.

Background

The NASA Research Misconduct Rule was created in accordance with the "Federal Policy on Research Misconduct" issued by the Office of Science and Technology Policy on

December 6, 2000. The proposed rule, published July 25, 2003 (68 FR 43982), was created to establish a new research misconduct policy for NASA and requested public comments on the proposed action. Details of the proposed rule can be found at <http://www.gpo.gov/fdsys/pkg/FR-2003-07-25/pdf/03-18982.pdf>. The proposed rule was changed to address public comments, and the final rule was published on July 14, 2004 (69 FR 42102). Details on how the comments were addressed can be found at <http://www.gpo.gov/fdsys/pkg/FR-2004-07-14/pdf/04-15432.pdf>.

NASA's research mission involves the advancement of research in the fields of aeronautics, space science, Earth science, biomedicine, biology, engineering, and physical science. NASA fulfills this objective through intramural research performed by NASA researchers and through extramural contracts, cooperative agreements, grants, and Space Act agreements with external entities, including the private sector; nonprofit and academic and educational organizations; and with other governmental entities. Because of this multiplicity of research arrangements, allegations of research misconduct could arise in any number of ways. While there is some overlap in the actions that may be pursued by Federal agencies and research institutions, this rule provides procedures and criteria for the interaction of NASA with its research partners in dealing with the various contingencies that could arise in the processing of research misconduct allegations.

Statutory Authority

The National Aeronautics and Space Act (the Space Act), 51 U.S.C. 20113(a), authorizes the Administrator of the National Aeronautics and Space Administration (NASA) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law.

Regulatory Analysis

Executive Order 12866 and Executive Order 13563

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and

equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This final rule has been designated a "significant regulatory action," although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been certified that this final rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act Statement

This final rule does not contain an information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

List of Subjects in 14 CFR Part 1275

Administrative practice and procedure, Grant programs, Investigations, Research, Science and technology, Scientists.

Accordingly, 14 CFR part 1275 is amended as follows:

PART 1275—RESEARCH MISCONDUCT

■ 1. The authority citation for part 1275 continues to read as follows:

Authority: Pub. L. 85-568, 72 Stat. 426, 42 U.S.C. 2473.

■ 2. Section 1275.100 is amended by revising paragraphs (d) and (e) to read as follows:

§ 1275.100 Purpose and scope.

* * * * *

(d) A determination that research misconduct has occurred must be accompanied by recommendations on appropriate administrative actions. However, the administrative actions themselves may be imposed only after further procedures described in applicable Federal acquisition and NASA regulations concerning contracts, cooperative agreements, grants, Space Act agreements, or other transactions, depending on the type of agreement used to fund or support the research in question. Administrative actions involving NASA civil service employees may be imposed only in compliance with all relevant Federal laws and policies.

(e) Allegations of research misconduct concerning NASA research may be transmitted to NASA in one of the

following ways: By mail address to the Office of Inspector General (OIG), National Aeronautics and Space Administration, 300 E Street SW., Washington, DC 20546-0001 via the NASA OIG Hotline at 1-800-424-9183, or cyber hotline at <http://oig.nasa.gov/hotline.html>.

■ 3. Section 1275.101 is amended by revising paragraphs (a) and (m) to read as follows:

§ 1275.101 Definitions.

(a) Research misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest error or differences of opinion. Research as used in this part includes all basic and applied research as defined in OMB Circular A-11 in all fields of science, engineering, and mathematics, including, but not limited to, research in space and Earth sciences, economics, education, linguistics, medicine, psychology, social sciences, statistics, and biological and physical research (ground based and microgravity), including research involving human subjects or animals.

* * * * *

(m) NASA Adjudication Official is the NASA Associate Administrator of a Mission Directorate, Chief Technologist, or Chief Engineer, depending on the research area involved in the misconduct allegation (as described in the list of NASA research disciplines and their associated directorates contained in the Appendix to this part).

* * * * *

■ 4. The Appendix to Part 1275 is revised to read as follows:

Appendix to Part 1275—Research Misconduct

NASA Research Disciplines and Respective Associated Directorates

1. Aeronautics Research—Aeronautics Research Mission Directorate
2. Space Science Research—Science Mission Directorate
3. Earth Science Research and Applications—Science Mission Directorate
4. Biomedical Research—Human Exploration and Operations Mission Directorate
5. Fundamental Biology—Human Exploration and Operations Mission Directorate
6. Fundamental Physics—Human Exploration and Operations Mission Directorate
7. Research for Exploration Systems not covered by the disciplines above—Human Exploration and Operations Mission Directorate
8. Research for the International Space Station not covered by the disciplines

above—Human Exploration and Operations Mission Directorate

9. Other engineering research not covered by disciplines above—NASA Chief Engineer

10. Other technology research not covered by disciplines above—NASA Chief Technologist

Charles F. Bolden, Jr.,

Administrator.

[FR Doc. 2012-18435 Filed 7-27-12; 8:45 am]

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COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 50

RIN 3038-AD60

Swap Transaction Compliance and Implementation Schedule: Clearing Requirement Under Section 2(h) of the CEA

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission (Commission or CFTC) is adopting regulations to establish a schedule to phase in compliance with the clearing requirement under new section 2(h)(1)(A) of the Commodity Exchange Act (CEA or Act), enacted under Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). The schedule will provide additional time for compliance with this requirement. This additional time is intended to facilitate the transition to the new regulatory regime established by the Dodd-Frank Act in an orderly manner that does not unduly disrupt markets and transactions.

DATES: The rules will become effective September 28, 2012.

FOR FURTHER INFORMATION CONTACT: Sarah E. Josephson, Deputy Director, 202-418-5684, sjosephson@cftc.gov; Brian O'Keefe, Associate Director, 202-418-5658, bokeefe@cftc.gov; or Peter Kals, Attorney-Advisor, 202-418-5466, pkals@cftc.gov, Division of Clearing and Risk, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Background
- II. Comments on the Notices of Proposed Rulemaking
 - A. Comment Period
 - B. Harmonization
 - C. Cross-Border and Affiliate Transactions

D. Comprehensive Implementation Schedule

E. Prerequisite Rules

F. Definitions

1. Active Fund

2. Third-Party Subaccount

3. Category 1 and Category 2 Entities

G. Compliance Schedule for the Clearing Requirement

4. Application to All Swap Types

5. Timing of Implementation Schedules

III. Cost-Benefit Considerations

IV. Related Matters

A. Regulatory Flexibility Act

B. Paperwork Reduction Act

I. Background

Section 723(a)(3) of the Dodd-Frank Act amended the CEA to provide, under new section 2(h)(1)(A) of the CEA, that it shall be unlawful for any person to engage in a swap unless that person submits such swap for clearing to a derivatives clearing organization (DCO) that is registered under the CEA or a DCO that is exempt from registration under the CEA if the swap is required to be cleared (the Clearing Requirement).¹ Section 2(h)(2) charges the Commission with the responsibility for determining whether a swap is required to be cleared (a Clearing Requirement determination), through one of two avenues: (1) Pursuant to a Commission-initiated review; or (2) pursuant to a submission from a DCO of each swap, or any group, category, type, or class of swaps that the DCO “plans to accept for clearing.”² The Commission is proposing its first Clearing Requirement determination concurrently with its adoption of this compliance schedule rule. The finalization of that proposal will trigger the compliance schedule provided for under this adopting release.

On September 20, 2011, the Commission published proposed § 39.5(e)³ to phase in compliance of the Clearing Requirement upon the Commission's issuance of a Clearing Requirement determination pursuant to § 39.5(b) or (c).⁴ That notice of proposed rulemaking (NPRM) also included an implementation schedule for the requirement pursuant to amended section 2(h)(8)(A), which requires a swap subject to the Clearing

¹ Section 2(h)(7) of the CEA provides an exception to the Clearing Requirement when one of the counterparties to a swap (i) is not a financial entity, (ii) is using the swap to hedge or mitigate commercial risk, and (iii) notifies the Commission how it generally meets its financial obligations associated with entering into a non-cleared swap.

² Under section 2(h)(2)(B)(ii), the Commission must consider swaps listed for clearing by a DCO as of the date of enactment of the Dodd-Frank Act.

³ Commission regulations referred to herein are found at 17 CFR Ch. 1.

⁴ See 76 FR 58186 (Sept. 20, 2011).