

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

The Boeing Company: Docket No. FAA–2022–0889; Project Identifier AD–2021–00614–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 7, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic power.

(e) Unsafe Condition

This AD was prompted by reports of ram air turbine (RAT) assembly failures, which caused the RAT to fail to provide hydraulic power. The failures were determined to be caused by variations in the bronze metal used during manufacturing, which can result in varying fatigue properties. The FAA is issuing this AD to address fatigue or cracking of the RAT hydraulic pump bronze cylinder block. This condition, if not addressed, could cause failure of the RAT pump and subsequent loss of backup hydraulic power for the flight controls, which can result in loss of continued safe flight and landing.

(f) Compliance

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

(g) Inspection

For airplanes with an original airworthiness certificate or original certificate of airworthiness issued on or before the effective date of this AD: Within 60 months after the effective date of this AD, inspect the RAT pump and control module (PCM) and the RAT assembly to determine the part number. A review of airplane maintenance records is acceptable in lieu of this inspection if the RAT PCM and the RAT assembly part numbers can be conclusively determined from that review.

(h) Replacements

If, during the inspection required by paragraph (g) of this AD, any RAT PCM having part number (P/N) 7001267H06 or any RAT assembly having P/N 700011H08 is found: Except as specified by paragraph (i) of this AD, at the applicable times specified in the “Compliance” paragraph of Boeing Alert Requirements Bulletin B787–81205–SB290039–00 RB, Issue 002, dated October 26, 2021, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB290039–00 RB, Issue 002, dated October 26, 2021.

Note 1 to paragraph (h): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB290039–00, Issue 002, dated October 26, 2021, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB290039–00 RB, Issue 002, dated October 26, 2021.

(i) Exception to Service Information Specifications

Where Boeing Alert Requirements Bulletin B787–81205–SB290039–00 RB, Issue 002, dated October 26, 2021, uses the phrase “the Issue 001 date of Requirements Bulletin B787–81205–SB290039–00 RB,” this AD requires using “the effective date of this AD.”

(j) Parts Installation Prohibition

(1) For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after the effective date of this AD: Installation of a RAT PCM, part number (P/N) 7001267H06, or RAT assembly, P/N 700011H08, is prohibited as of the effective date of this AD.

(2) For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before the effective date of this AD, installation of a RAT PCM, P/N 7001267H06, or RAT assembly, P/N 700011H08, is allowed until the actions required by paragraph (h) of this AD are accomplished.

(k) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Requirements Bulletin B787–81205–SB290039–00 RB, Issue 001, dated November 3, 2020.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (m) 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 responsible Flight Standards Office.

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

(m) Related Information

(1) For more information about this AD, contact Douglas Tsuji, Senior Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3548; email: douglas.tsuji@faa.gov.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on July 18, 2022.

Christina Underwood,

Acting Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–20444 Filed 9–20–22; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
24 CFR Parts 28, 30, 87, 180, and 3282

[Docket No. FR–6346–N–01]

Adjustment of Civil Monetary Penalty Amounts: Request for Comments

AGENCY: Office of the General Counsel, HUD.

ACTION: Request for comments.

SUMMARY: Consistent with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (“2015 Act”), HUD annually publishes a final rule adjusting its civil money penalty amounts for inflation according to the formula provided by the 2015 Act. In these rules, HUD does not apply the adjustments retroactively and provides that the inflation-adjusted penalty amounts apply to violations occurring on or after the rule’s effective date. HUD is considering revising this approach, however, and annually applying inflation-adjusted penalty amounts to violations assessed after the date of inflation, if the violation occurred after the enactment of the 2015 Act. Through this request for comments, HUD seeks public input on the impact of applying inflation-adjusted penalty amounts on the date the penalty is assessed rather than the date of the violation.

DATES: Comments are due on or before: November 21, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding

this request. All submissions must refer to the above docket number and title. There are two methods for submitting public comments:

1. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at <https://www.regulations.gov>. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the author maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the <https://www.regulations.gov> website can be viewed by other submitters and interested members of the public. Commenters should follow instructions provided on that site to submit comments electronically.

2. Submission of Comments by Mail. Members of the public may submit comments by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410-0500. Due to security measures at all federal agencies, however, submission of comments by standard mail often results in delayed delivery. To ensure timely receipt of comments, HUD recommends that comments submitted by standard mail be submitted at least two weeks in advance of the deadline. HUD will make all comments received by mail available to the public at <https://www.regulations.gov>.

No Facsimile Comments. Facsimile (FAX) comments will not be accepted.

Public Inspection of Public Comments. All properly submitted

comments and communications regarding this document submitted to HUD are available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202-708-3055 (this is not a toll-free number). Hearing- or speech-impaired individuals can dial 7-1-1 to access the Telecommunications Relay Service (TRS), which permits users to make text-based calls, including Text Telephone (TTY) and Speech to Speech (STS) calls. Copies of all comments submitted are available for inspection and downloading at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Aaron Santa Anna, Associate General Counsel for Legislation and Regulations, Office of the General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20024; telephone number 202-708-3055 (this is not a toll-free number). Hearing- or speech-impaired individuals can dial 7-1-1 to access the Telecommunications Relay Service (TRS), which permits users to make text-based calls, including Text Telephone (TTY) and Speech to Speech (STS) calls.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act) (Pub. L. 114-74, sec. 701, 129 Stat. 599), amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410, 104 Stat. 890), to improve the

effectiveness of civil monetary penalties and to maintain their deterrent effect. Specifically, the 2015 Act, codified at 28 U.S.C. 2461, note, requires agencies with statutory authority to assess civil money penalties (CMPs) and publish annual adjustments for inflation. Section 5 of the 2015 Act establishes the formula for calculating annual adjustments and is tied to the Consumer Price Index for all Urban Consumers (CPI-U). In accordance with the 2015 Act, annual adjustments after the initial “catch-up” adjustment may be issued “notwithstanding section 553 of Title 5, United States Code”, the notice and comment requirements of the Administrative Procedure Act.

On June 15, 2016, HUD issued for public comment an interim rule, pursuant to the 2015 Act, to amend CMP regulations (81 FR 38931). HUD finalized the interim rule the following year in the Inflation Catch-up Adjustment of Civil Monetary Penalty Amounts Final Rule and Adjustment of Civil Monetary Penalty Amounts for 2017 (82 FR 24521). HUD’s 2017 final rule stated that “Since HUD is not applying these adjustments retroactively, the 2016 increases being finalized apply to violations occurring prior to the effective date of this final rule (and on and after the effective date of the 2016 interim rule) and the 2017 increases apply to violations occurring on or after this rule’s effective date.”

Since the publication of the 2017 final rule, HUD has continued to apply inflation-adjusted penalty amounts to violations occurring on or after the rule’s effective date each year.¹ In addition, HUD has implemented its adjusted penalty amounts uniformly across the several programs for which it has authority to assess penalties.

HUD STATUTORY AND REGULATORY AUTHORITY FOR IMPOSITION OF CIVIL MONEY PENALTIES

Description	Statutory citation	Regulatory citation (24 CFR)
False Claims	Omnibus Budget Reconciliation Act of 1986 (31 U.S.C. 3802(a)(1)).	§ 28.10(a).
False Statements	Omnibus Budget Reconciliation Act of 1986 (31 U.S.C. 3802 (a)(2)).	§ 28.10(b).
Advance Disclosure of Funding	Department of Housing and Urban Development Act (42 U.S.C. 3537a(c)).	§ 30.20.
Disclosure of Subsidy Layering	Department of Housing and Urban Development Act (42 U.S.C. 3545(f)).	§ 30.25.
FHA Mortgagees and Lenders Violations	HUD Reform Act of 1989 (12 U.S.C. 1735f-14(a)(2))	§ 30.35.
Other FHA Participants Violations	HUD Reform Act of 1989 (12 U.S.C. 1735f-14(a)(2))	§ 30.36.
Indian Home Loan Guarantee Lender or Holder Violations	Housing Community Development Act of 1992 (12 U.S.C. 1715z-13a(g)(2)).	§ 30.40.
Multifamily & Section 202 or 811 Owners Violations	HUD Reform Act of 1989 (12 U.S.C. 1735f-15(c)(2))	§ 30.45.

¹ See Adjustment of Civil Monetary Penalty Amounts for 2018–2022 at 83 FR 32790; 84 FR 9451; 85 FR 13041; 86 FR 14370; and 87 FR 24418.

HUD STATUTORY AND REGULATORY AUTHORITY FOR IMPOSITION OF CIVIL MONEY PENALTIES—Continued

Description	Statutory citation	Regulatory citation (24 CFR)
Ginnie Mae Issuers & Custodians Violations	HUD Reform Act of 1989 (12 U.S.C. 1723i(a))	\$ 30.50.
Title I Broker & Dealers Violations	HUD Reform Act of 1989 (12 U.S.C. 1703)	\$ 30.60.
Lead Disclosure Violation	Title X—Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852d(b)(1)).	\$ 30.65.
Section 8 Owners Violations	Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437z–1(b)(2)).	\$ 30.68.
Lobbying Violation	The Lobbying Disclosure Act of 1995 (31 U.S.C. 1352)	\$ 87.400.
Fair Housing Act Civil Penalties	Fair Housing Act (42 U.S.C. 3612(g)(3))	\$ 180.671(a).
Manufactured Housing Regulations Violation	Housing Community Development Act of 1974 (42 U.S.C. 5410).	\$ 3282.10.

II. This Document

This document announces that HUD is considering revising its implementation of the 2015 Act by providing that the adjusted penalty amounts would apply to penalties assessed after the publication of the adjustment, rather than to violations occurring after publication of the adjustment, as long as the violation occurred after the enactment of the 2015 Act. HUD is considering applying the inflation-adjusted penalty amounts in this manner after revisiting Section 6 of the 2015 Act which provides that an “increase under this Act in a civil monetary penalty shall apply only to civil monetary penalties, including those whose associated violation predate such increase, which are assessed after the date the increase takes effect.” 28 U.S.C. 2461, note. The Office of Management and Budget (“OMB”) guidance (M–22–07) which provides the 2022 inflation multiplier also provides that the adjusted penalty applies to “penalties assessed after the effective date of the applicable adjustment”.² Finally, a review of the penalty adjustments published by other federal agencies suggests that they apply the inflation-adjusted penalty amounts to penalties assessed after the date of the increase as long as the violation occurred after the enactment of the 2015 Act.

III. Request for Public Comments

In considering the forthcoming 2023 fiscal year, HUD is considering whether to revise its implementation of the 2015 Act to apply inflation-adjusted penalty amounts on the date the penalty is assessed, rather than the earlier date of

the violation, and is requesting public comment. HUD is interested in the impact of such a change, as well as the impact of applying the inflation-adjusted penalty to the date of assessment for some, but not all, programs.

Damon Smith,
General Counsel.

[FR Doc. 2022–20311 Filed 9–20–22; 8:45 am]

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DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2022–0008; Notice No. 214]

RIN 1513–AC85

Proposed Establishment of the Yucaipa Valley Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the 36,467-acre “Yucaipa Valley” viticultural area in San Bernardino County, in California. The proposed viticultural area is not within any other established viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on this proposed addition to its regulations.

DATES: Comments must be received by November 21, 2022.

ADDRESSES: You may electronically submit comments to TTB on this proposal using the comment form for this document posted within Docket No.

TTB–2022–0008 on the *Regulations.gov* website at <https://www.regulations.gov>. At the same location, you also may view copies of this document, the related petition and selected supporting materials, and any comments TTB receives on this proposal. A direct link to that docket is available on the TTB website at <https://www.ttb.gov/wine/notices-of-proposed-rulemaking> under Notice No. 214. Alternatively, you may submit comments via postal mail to the Director, Regulations and Ruling Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005. Please see the Public Participation section of this document for further information on the comments requested on this proposal and on the submission, confidentiality, and public disclosure of comments.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). In addition, the Secretary of the Treasury has delegated certain administrative and

² December 15, 2021, Memorandum for the Heads of Executive Departments and Agencies (M–22–07) from Shalanda D. Young, Acting Director, Office of Management and Budget, Implementation of Penalty Inflation Adjustments for 2022, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (OMB Memorandum), at 4.