

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) 2011-15-10, Amendment 39-16757 (76 FR 45655, August 1, 2011) and adding the following new AD:

**012-03-06 Superior Air Parts, Lycoming Engines (formerly Textron Lycoming), and Continental Motors, Inc. (formerly Teledyne Continental Motors, Continental) Fuel-Injected Reciprocating Engines:** Amendment 39-16947; Docket No. FAA-2011-0547; Directorate Identifier 2011-NE-13-AD.

#### (a) Effective Date

This AD is effective February 24, 2012.

#### (b) Affected ADs

This AD supersedes AD 2011-15-10, Amendment 39-16757 (76 FR 45655, August 1, 2011).

#### (c) Applicability

This AD applies to all Superior Air Parts, Lycoming Engines, and Continental Motors, Inc., fuel injected reciprocating engine models with an AVStar Fuel Systems, Inc. (AFS) fuel servo diaphragm, part number (P/N) AV2541801 or P/N AV2541803, installed.

#### (d) Unsafe Condition

This AD was prompted by an accident involving a Piper PA32R-301 airplane, and by the discovery of additional engines being affected by the unsafe condition since we issued AD 2011-15-10, Amendment 39-16757 (76 FR 45655, August 1, 2011). We are issuing this AD to prevent an in-flight engine shutdown due to a failed fuel servo diaphragm, and damage to the airplane.

#### (e) Compliance

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

#### (f) Remove Fuel Servo

(1) Within 5 flight hours after the effective date of this AD, determine if an AFS fuel servo diaphragm P/N AV2541801 or P/N AV2541803, from an affected production lot was installed in your fuel servo at any time after May 20, 2010. Use AFS Mandatory Service Bulletin (MSB) No. AFS-SB6, Revision 2, dated April 6, 2011 to determine if your fuel servo has an affected diaphragm. If you determine that your fuel servo has an affected diaphragm, remove the fuel servo from service before further flight.

(2) After the effective date of this AD, do not install any fuel servo containing an AFS fuel servo diaphragm, P/N AV2541801 or P/N AV2541803 from the production lots listed in AFS MSB No. AFS-SB6, Revision 2, dated April 6, 2011, into any airplane.

#### (g) Special Flight Permit

Special flight permits are not authorized.

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

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

#### (i) Related Information

For more information about this AD, contact Kevin Brane, Aerospace Engineer, Atlanta Certification Office, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474-5582; fax: (404) 474-5606; email: [kevin.brane@faa.gov](mailto:kevin.brane@faa.gov).

#### (j) Material Incorporated by Reference

(1) You must use AVStar Fuel Systems Mandatory Service Bulletin No. AFS-SB6, Revision 2, dated April 6, 2011, to do the actions required by this AD, unless the AD specifies otherwise.

(2) The Director of the Federal Register approved the incorporation by reference (IBR) under 5 U.S.C. 552(a) and 1 CFR part 51 on August 16, 2011.

(3) For service information identified in this AD, contact AVStar Fuel Systems, Inc., 1365 Park Lane South, Jupiter, FL 33458; (561) 575-1560; Web site: [www.avstardirect.com](http://www.avstardirect.com).

(4) You may review copies of the service information at the FAA, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238-7125.

(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](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Burlington, Massachusetts, on January 31, 2012.

**Peter A. White,**

*Manager, Engine & Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 2012-2896 Filed 2-8-12; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Part 954

[Doc. No. FR-5568-F-01]

RIN 2577-AC87

### Removal of the Indian HOME Investment Partnerships Program Regulation

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes HUD's outdated regulations for the Indian HOME Investment Partnerships (Indian HOME) program. Under the Indian HOME program, HUD awarded funds competitively to eligible applicants to provide affordable housing. The Indian HOME program was replaced by the Indian Housing Block Grant (IHBG) program established under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA). However, HUD retained the Indian HOME program regulations because they continued to govern grants awarded prior to the enactment of NAHASDA. Since September 30, 1997, HUD has not awarded grants under the Indian HOME program and, therefore, the regulations are no longer necessary.

**DATES:** *Effective Date:* March 12, 2012.

#### FOR FURTHER INFORMATION CONTACT:

Rodger J. Boyd, Deputy Assistant Secretary for Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4126, Washington, DC 20410, telephone number (202) 401-7914 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:**

## I. Background

### A. The Indian HOME Investment Partnerships Program

The HOME Investment Partnerships Act (Title II of the Cranston-Gonzales National Affordable Housing Act (Pub. L. 101–925, approved November 28, 1990; 42 U.S.C. 12701 *et seq.*)) established the HOME Investment Partnerships program (HOME program) and its subsidiary Indian HOME program. The HOME program regulations are codified at 24 CFR part 92. The HOME program provides grants to state and local governments to fund activities that build, buy, or rehabilitate affordable housing or provide direct rental assistance. The HOME program is the largest federal block grant to states and localities designed exclusively to create affordable housing for low-income households.

Each fiscal year, one percent of the funds appropriated for the HOME program were allocated to the Indian HOME program. The Indian HOME program awarded competitive grants to eligible applicants to increase affordable housing for low-income and very low-income persons. Eligible applicants for Indian HOME program funds included any Indian Tribe, band, group, or nation. The Indian HOME program regulations are codified in 24 CFR part 954. Under the Indian HOME program, grant recipients could use funds for housing rehabilitation, acquisition of housing, new housing construction, and tenant-based rental assistance. Assistance was provided in the form of loans, advances, equity investments, interest subsidies, and other forms of investment that HUD approved.

### B. The Native American Housing Assistance and Self-Determination Act and the Indian Housing Block Grant Program

NAHASDA (25 U.S.C. 4101 *et seq.*) reorganized federal housing assistance to Native Americans by eliminating several separate programs of assistance and replacing them with the IHBG program, a single block grant program that recognizes the right of Indian self-determination and tribal self-governance. The Indian HOME program was one of the programs that was terminated and replaced with the new block grant program under NAHASDA.

The IHBG program supports a range of affordable housing activities on Indian reservations and Indian areas. Eligible IHBG recipients include federally recognized Indian tribes or their tribally designated housing entity, and a limited number of state recognized tribes. IHBG funds must be used to develop or

support rental or homeownership opportunities or provide housing services to benefit low-income Indian families. Eligible IHBG activities include modernization or operating assistance for housing previously developed using HUD assistance; acquisition, new construction, or rehabilitation of additional units; housing-related services such as housing counseling, self-sufficiency services, energy auditing, and establishment of resident organizations; housing management services; crime prevention and safety activities; rental assistance; model activities; and administrative expenses.

When NAHASDA was enacted and the IHBG program was created, previously awarded Indian HOME grants continued to be governed by the provisions of the statutes and regulations governing the program in effect at the time of funding. When funded activities were completed, Indian HOME grants were closed in accordance with their program requirements and grant agreements. As a result, HUD initially retained the Indian HOME program regulations because they continued to govern these previously awarded grants. As intended by NAHASDA, grants under the IHBG program have now replaced Indian HOME program grants.

### C. Executive Order 13563 on Improving Regulation and Regulatory Review

On January 18, 2011, President Obama issued Executive Order 13563, “Improving Regulation and Regulatory Review” (see 76 FR 3821, January 21, 2011). The Executive Order requires federal agencies to coordinate, simplify, and harmonize regulations to reduce costs and promote certainty for businesses and the public. Section 6 of this Executive Order requires agencies to review existing significant regulations to determine if they are outmoded or ineffective. In response to the Executive Order, HUD is working to ensure that all of its regulations are updated and remain necessary. As discussed, the regulations pertaining to the terminated Indian HOME program are no longer necessary.

## II. This Final Rule

This final rule responds to the mandate in Executive Order 13563 by removing regulations for a program that is now obsolete. Part 954 of title 24 of the Code of Federal Regulations governs the Indian HOME program. At this time, the Indian HOME program no longer awards grants. This final rule removes all regulations pertaining to the Indian HOME program because it no longer

exists. However, Indian HOME grantees are still required to comply with any statutory and regulatory requirements that continue to apply beyond the close-out date of an Indian HOME grant, such as ensuring compliance with applicable affordability requirements. Continued affordability for HOME rental housing projects is required by 42 U.S.C. 12745(a)(1)(E), as implemented by 24 CFR 92.252(e) and 954.306(a)(5).

## III. Justification for Final Rulemaking

In general, HUD publishes a rule for public comment before issuing a rule for effect, in accordance with HUD’s regulations on rulemaking at 24 CFR part 10. Section 10.1 of part 10, however, provides for exceptions from that general rule where HUD finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when the public procedure is “impracticable, unnecessary, or contrary to the public interest.” HUD finds that good cause exists to publish this rule for effect without soliciting public comment on the basis that public procedure is unnecessary. After all, the purpose of this final rule is to remove all regulations pertaining to a program that is obsolete. The Indian HOME program in part 954 was replaced by the IHBG program. Public comment is unnecessary because this final rule updates the HUD regulations to reflect that the Indian HOME program no longer exists, and there is no exercise of agency discretion upon which the public could comment.

## IV. Findings and Certifications

### Executive Order 13132, Federalism

Executive Order 13132 (entitled “Federalism”) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

### Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on

the private sector. This rule does not impose any federal mandates on any state, local, or tribal governments, or on the private sector, within the meaning of UMR.

#### *Environmental Impact*

This final rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Accordingly, under the authority of 42 U.S.C. 35335(d) and 25 U.S.C. 4101 *et seq.*, HUD amends 24 CFR chapter IX by removing part 954, as follows:

#### **PART 954—[REMOVED]**

##### **■ 1. Remove part 954.**

Dated: February 1, 2012.

**Sandra B. Henriquez,**

*Assistant Secretary for Public and Indian Housing.*

[FR Doc. 2012–3015 Filed 2–8–12; 8:45 am]

**BILLING CODE 4210–67–P**

#### **PENSION BENEFIT GUARANTY CORPORATION**

##### **29 CFR Part 4007**

#### **Premium Penalty Relief for Certain Delinquent Plans**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Policy statement.

**SUMMARY:** Executive Order 13563 on Improving Regulation and Regulatory Review directs agencies to review and improve their regulatory processes. As a result of this regulatory review, among other initiatives, PBGC is announcing a limited window for covered plans that have never paid required premiums to pay past-due premiums without penalty.

#### **FOR FURTHER INFORMATION CONTACT:**

Catherine B. Klion  
([klion.catherine@pbgc.gov](mailto:klion.catherine@pbgc.gov)), Manager,  
Regulatory and Policy Division,  
Legislative and Regulatory Department,  
1200 K Street NW., Washington, DC  
20005–4026, 202–326–4024. (TTY and

TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024).

**SUPPLEMENTARY INFORMATION:** The Pension Benefit Guaranty Corporation (PBGC) administers the pension insurance program under title IV of the Employee Retirement Income Security Act of 1974 (ERISA). Under sections 4006 and 4007 of ERISA, plans covered by title IV must pay premiums to PBGC. The vast majority of plans covered by PBGC make every effort to pay required premiums in full and on time. PBGC depends on these premium funds to provide participants and beneficiaries of terminated defined benefit plans guaranteed benefits as provided under ERISA.

A few times a year, PBGC becomes aware of a covered plan that has never filed PBGC premiums, in some cases because the plan administrator was unaware that the plan was covered.<sup>1</sup> PBGC's regulation on Payment of Premiums (29 CFR part 4007) requires that in addition to the unpaid premiums, such a plan must pay interest and penalties. PBGC believes that one reason plan administrators of covered plans that have not paid any required premiums fail to come forward is that penalties can be quite substantial, often as much as 100 percent of the unpaid premium (see 29 CFR 4007.8(a)).

On January 18, 2011, the President issued Executive Order 13563 on Improving Regulation and Regulatory Review (76 FR 3821, Jan. 21, 2011). Executive Order 13563 calls, among other things, for agencies to develop a plan to review existing regulations to identify any that can be made more effective or less burdensome in achieving regulatory objectives.

As part of PBGC's review of its premium regulations pursuant to Executive Order 13563,<sup>2</sup> PBGC is adopting a voluntary compliance program to encourage compliance and reduce workload burden in connection with covered plans that have never paid required premiums. PBGC will waive premium payment penalties (as well as information penalties under ERISA section 4071 for failure to timely file premium information) for any such plan, if the plan administrator contacts

<sup>1</sup> PBGC's benefit guarantees apply to plan participants in a covered plan even if the plan has failed to pay required premiums. However, if the sponsor goes out of business, PBGC often finds out that benefits need to be paid only when it is contacted by a plan participant.

<sup>2</sup> PBGC's Plan for Regulatory review can be found at [www.pbgc.gov/documents/plan-for-regulatory-review.pdf](http://www.pbgc.gov/documents/plan-for-regulatory-review.pdf).

PBGC, pays past due premiums, and files required information within the time frames described in this document.<sup>3</sup> (The relief provided in this notice does not apply to late payment interest charges.)

To qualify for the relief provided in this document, the plan administrator of an eligible plan (or a representative) must—

1. *By July 31, 2012*, contact Robert Callahan ([callahan.robert@pbgc.gov](mailto:callahan.robert@pbgc.gov)) or Bill O'Neill ([oneill.bill@pbgc.gov](mailto:oneill.bill@pbgc.gov)) of PBGC's Financial Operations Department (202–346–4067) to discuss how to comply with premium filing requirements to obtain this relief, and

2. *By August 31, 2012* (or a later date specified by PBGC), pay past-due premiums and file required premium information.<sup>4</sup>

PBGC will use its Web site ([www.pbgc.gov](http://www.pbgc.gov)) and other methods (e.g., presentations at professional conferences) to educate plan administrators of covered plans that may not be paying required premiums about premium requirements. PBGC expects that these efforts, together with the relief provided in this document, will encourage compliance.

Out of fairness to compliant plan sponsors and to protect participants, after the end of the period for taking advantage of this relief, PBGC will step up its efforts to enforce premium requirements for covered plans that have not paid any required premiums, including assessment of penalties.

Issued in Washington, DC, this 31st day of January 2012.

**Joshua Gotbaum,**

*Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 2012–3054 Filed 2–8–12; 8:45 am]

**BILLING CODE 7709–01–P**

<sup>3</sup> PBGC recognizes that there may be difficulty in determining premiums and premium-related information for years in the distant past. PBGC is willing to discuss application of the relief in this notice even in situations where not all premiums for past years are paid and/or not all premium information for past years is provided.

<sup>4</sup> Currently, premiums must be filed electronically. The requirement to file electronically applies to filings for plan years beginning in 2006 that are made on or after July 1, 2006, for plans with 500 or more participants for the prior plan year and to filings for all plans for plan years beginning after 2006. Plan administrators and their representatives should review the information under the “New Users” heading at [www.pbgc.gov/prac/prem/online-premium-filing-with-my-paa.html](http://www.pbgc.gov/prac/prem/online-premium-filing-with-my-paa.html) for information on how to file premiums electronically. PBGC will discuss with plan administrators how to file for years for which electronic filing was not available.