

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 have 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 that 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 summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### Adoption of the Amendment

■ Under the authority delegated to me by the Administrator, the Federal Aviation Administration 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 adding the following new airworthiness directive:

**2009-01-01 CFM International, S. A.:**  
Amendment 39-15779. Docket No. FAA-2008-1353; Directorate Identifier 2008-NE-46-AD.

### Effective Date

(a) This airworthiness directive (AD) becomes effective December 31, 2008.

### Affected ADs

(b) None.

### Applicability

(c) This AD applies to CFM International, S. A. CFM56-5B1, -5B2, -5B4, -5B5, -5B6, -5B7, -5B1/P, -5B2/P, -5B3/P, -5B3/P1, -5B4/P, -5B5/P, -5B6/P, -5B7/P, -5B8/P, -5B9/P, -5B1/2P, -5B2/2P, -5B3/2P, -5B3/2P1, -5B4/2P, -5B6/2P, -5B4/P1, -5B4/2P1, and -5B9/2P turbofan engines. These engines are installed on, but not limited to, Airbus A318, A319, A320, and A321 series airplanes.

### Unsafe Condition

(d) This AD results from an Airbus A321 airplane powered by CFM56-5B1/P turbofan engines experiencing high-pressure compressor (HPC) stalls during climb out after takeoff. We are issuing this AD to prevent HPC stalls, which could prevent continued safe flight or landing.

### Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

(f) Within 14 days of the effective date of this AD do the following:

(1) Review exhaust gas temperature (EGT) monitoring records to determine EGT deterioration margin.

(2) For airplanes where both engines have greater than 80° centigrade (C) deterioration of EGT margin, do the following:

(i) Borescope-inspect HPC stages 1, 3, 6, and 9 of both engines. Information on borescope inspection of the HPC can be found in the aircraft maintenance manual.

(ii) Remove from service any engine that does not pass the borescope inspection requirements found in the aircraft maintenance manual.

(iii) If both engines pass the borescope inspection, then remove one of the engines from service and replace it with an engine that has 80 °C or less deterioration of EGT margin.

(3) Continue monitoring EGT margin on engines in service, to prevent two engines on an airplane from having greater than 80 °C deterioration of EGT margin. Information on monitoring EGT can be found in CFM International, S. A. Service Bulletin (SB) No. CFM56-5B S/B 72-0722, dated December 22, 2008.

### Interim Actions

(g) These actions are interim actions and we anticipate further rulemaking actions in the future, including further action to address the remaining engines in service that are above 80 °C deterioration of EGT margin.

### Alternative Methods of Compliance (AMOCs)

(h) The Manager, Engine Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

### Related Information

(i) Refer to MCAI EASA Airworthiness Directive 2008-0227-E, dated December 23, 2008, and CFM International, S. A. SB No.

CFM56-5B S/B 72-0722, dated December 22, 2008, for related information.

(j) Contact CFM International, S. A., Technical Publications Department, 1 Neumann Way, Cincinnati, OH 45215; telephone (513) 552-2800; fax (513) 552-2816, for a copy of this service bulletin.

(k) Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for a copy of the aircraft maintenance manual.

(l) Contact Stephen K. Sheely, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: [stephen.k.sheely@faa.gov](mailto:stephen.k.sheely@faa.gov); telephone (781) 238-7750; fax (781) 238-7199, for more information about this AD.

### Material Incorporated by Reference

(m) None.

Issued in Burlington, Massachusetts, on December 23, 2008.

**Francis A. Favara,**

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

[FR Doc. E8-31189 Filed 12-30-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Part 203

[Docket No. FR-5087-F-05]

RIN 2502-AI52

### Standards for Mortgagor's Investment in Mortgaged Property: Compliance With Court Order Vacating Final Rule

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Final rule.

**SUMMARY:** This final rule complies with a court order to vacate HUD's rule entitled "Standards for Mortgagor's Investment in Mortgaged Property" published on October 1, 2007.

**DATES:** *Effective Date:* January 30, 2009.

**FOR FURTHER INFORMATION CONTACT:** Margaret Burns, Director, Office of Single Family Program Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone number 202-708-2121 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800-877-8339.

**SUPPLEMENTARY INFORMATION:** Pursuant to the February 29, 2008, order of the U.S. District Court for the Eastern District of California in *Nehemiah Corporation of America v. Jackson, et al.*, No. S-07-2056 (E.D. Cal.), and the

March 5, 2008, order of the U.S. District Court for the District of Columbia in *Ameridream Inc., et al., v. Jackson*, No. 07-1752 (D.D.C.) and *Penobscot Indian Nation, et al., v. HUD*, No. 07-1282 (D.D.C.), which vacated the final rule entitled "Standards for Mortgagor's Investment in Mortgaged Property", published on October 1, 2007 (72 FR 56002), this final rule removes the regulation at 24 CFR 203.19, and reserves § 203.19.

### Findings and Certifications

#### Justification for Final Rulemaking

In general, HUD publishes a rule for public comment before issuing a final rule, in accordance with its own regulations on rulemaking at 24 CFR part 10. Part 10, however, does provide, in § 10.1, for exceptions from that general rule where the HUD finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when the prior public procedure is "impracticable, unnecessary, or contrary to the public interest." HUD finds that good cause exists and prior public procedure is unnecessary because HUD has no discretion but to comply with the court order to vacate the October 1, 2007, final rule entitled, "Standards for Mortgagor's Investment in Mortgaged Property." Public comment in this context would serve no purpose and is, therefore, unnecessary.

#### Environmental Review

A Finding of No Significant Impact was not required for the October 1, 2007 final rule. Under 24 CFR 50.19(b)(6), that rule was categorically excluded from the requirements of the National Environmental Policy Act (42 U.S.C. 4332 *et seq.*) and that categorical exclusion continues to apply.

#### Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance Number for the principal Federal Housing Administration (FHA) single family mortgage insurance program is 14.117. This rule also applies through cross-referencing to FHA mortgage insurance for condominium units (14.133), and other smaller single family programs.

#### List of Subjects in 24 CFR Part 203

Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements.

■ Accordingly, the Department amends 24 CFR part 203, as follows:

### PART 203—SINGLE FAMILY MORTGAGE INSURANCE

■ 1. The authority citation for part 203 continues to read as follows:

**Authority:** 12 U.S.C. 1709, 1710, 1715b, 1715z-16, and 1715u; 42 U.S.C. 3535(d).

#### § 203.19 [Removed and Reserved]

■ 2. Section 203.19 is removed and reserved.

Dated: December 19, 2008.

**Ronald Y. Spraker,**

*Acting General Deputy Assistant Secretary for Housing—Acting Deputy Federal Housing Commissioner.*

[FR Doc. E8-31060 Filed 12-30-08; 8:45 am]

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### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 117

[USCG-2008-0864]

#### Drawbridge Operation Regulations; Raritan River, Arthur Kill, and Their Tributaries, New Jersey

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations; request for comments.

**SUMMARY:** The Commander, First Coast Guard District, has issued a new temporary deviation from the regulation governing the operation of the Arthur Kill (AK) Railroad Bridge across Arthur Kill at mile 11.6 between Staten Island, New York and Elizabeth, New Jersey. This deviation is necessary to test a new operating rule for the bridge that will help determine the most equitable and safe solution to facilitate the present and anticipated needs of navigation and rail traffic. This deviation requires the AK Railroad Bridge to remain in the open position but allows the bridge owner/operator to schedule short bridge closure periods after first broadcasting advance notice to the marine community. This change from the previous deviation will consider the needs of navigation and allow marine interests to adjust their schedules around the bridge closure periods.

**DATES:** This deviation is effective from 12:01 a.m. on December 15, 2008 through June 12, 2009. Comments must be received by January 31, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2008-0864 and are available online at <http://www.regulations.gov>. They are

also available for inspection or copying at two locations: The Docket Management Facility (M-30), U.S. Department of Transportation, 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, and the First Coast Guard District, Battery Park Building, One South Street, New York, NY 10004 between 8:30 a.m. and 4:30 p.m., Monday through Friday except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gary Kassof, Bridge Branch, (212) 668-7165.

**SUPPLEMENTARY INFORMATION:** The Arthur Kill Railroad Bridge (AK RR) has a vertical clearance of 31 feet at mean high water and 35 feet at mean low water in the closed position. The owner of the bridge, New York City Economic Development Corporation (NYCEDC), began a bridge rehabilitation program approximately 10 years ago, as part of the region's Full Freight Access Initiative.

Part of the Full Freight Access Initiative was to restore rail freight service across the bridge to and from the Staten Island Landfill facility (SIL) and the New York Container Terminal (formerly the Howland Hook Terminal). The AK Railroad Bridge rehabilitation project was completed in 2007 in anticipation of renewed rail operations requiring the passage of train traffic across the bridge. Trash trains have been traveling to and from the SIL since June 2007 and the revitalized New York Container Terminal has been receiving railroad freight traffic for the past year.

The operating rule for this bridge found at 33 CFR 117.747 is no longer applicable or necessary as it pertains to the AK RR because the AK RR had been maintained in the open position until last year due to the cessation of all railroad train traffic over the bridge.

#### Background and Purpose

Beginning with a temporary deviation entitled "Drawbridge Operation Regulations; Raritan River, Arthur Kill, and Their Tributaries, NJ" published on March 20, 2007 in the **Federal Register** (72 FR 12981), the Coast Guard published a series of three temporary deviations to test a variety of bridge operation schedules culminating in the most recent test deviation published on June 3, 2008 (73 FR 31610). The proposed and final temporary deviation will confirm the lessons learned from the previous tests, namely that shorter bridge closure periods complemented by close coordination between the