

later: Do a dye penetrant inspection to detect cracks of the balance weight brackets of the elevator trim tabs.

(i) If no crack is detected, repeat the dye penetrant inspection at intervals not to exceed 250 flight hours, until the replacement required by paragraph (q)(2) of this AD is done.

(ii) If any crack is detected, before further flight, do the replacement specified in paragraph (q)(2) of this AD.

(2) Before the accumulation of 1,750 flight hours since installation of the balance weight brackets of the elevator trim tabs, or within 180 days after September 15, 2008, whichever occurs later: Replace the balance weight brackets with new balance weight brackets manufactured in 2005 or later. Thereafter, replace any balance weight bracket with a new bracket manufactured in 2005 or later at intervals not to exceed the accumulation of 28,800 flight hours on that bracket. Accomplishment of the initial replacement ends the repetitive inspection requirements of this AD.

(r) For airplanes equipped with balance weight brackets of the elevator trim tabs having part number SD3–31–6213xB inspected in accordance with paragraph (g), (h)(1), or (i)(1) of this AD and retained or refitted following approved repair in accordance with paragraph (j) of this AD: Do the actions specified in paragraphs (r)(1) and (r)(2) of this AD in accordance with Parts A and B of the Accomplishment Instructions of Shorts Alert Service Bulletin SD360–55–20, Revision 2, dated March 29, 2007.

(1) Within 4,800 flight hours since last inspection, or within 180 days after September 15, 2008, whichever occurs later, and thereafter at intervals not to exceed 4,800

flight hours: Do a dye penetrant inspection to detect cracks of the balance weight brackets of the elevator trim tabs.

(i) If no crack is detected, repeat the dye penetrant inspection at intervals not to exceed 4,800 flight hours, until the replacement required by paragraph (r)(2) of this AD is done.

(ii) If any crack is detected, before further flight, do the replacement specified in paragraph (r)(2) of this AD.

(2) Before the accumulation of 28,800 flight hours since any balance weight bracket of the elevator trim tabs is new, or within 180 days after September 15, 2008, whichever occurs later: Replace the balance weight brackets with new balance weight brackets manufactured in 2005 or later. Thereafter, replace any balance weight bracket with a new bracket manufactured in 2005 or later at intervals not to exceed the accumulation of 28,800 flight hours on that bracket. Accomplishment of the initial replacement ends the repetitive inspection requirements of this AD.

Part Installation

(s) For all airplanes: As of September 15, 2008, no person may install, on any airplane, a balance weight bracket of the elevator trim tab manufactured earlier than 2005.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows: No Differences.

Other FAA AD Provisions

(t) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

(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.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(u) Refer to MCAI EASA Airworthiness Directive 2007–0107–E, dated April 18, 2007, and the service bulletins identified in Table 1 of this AD for related information.

TABLE 1—RELATED SERVICE INFORMATION

Document	Revision	Date
Short Brothers Alert Service Bulletin SD360–55–A21	Original	December 16, 2004.
Short Brothers Service Bulletin SD360–55–20	Original	June 26, 2003.
Shorts Alert Service Bulletin SD360–55–A21	1	March 29, 2007.
Shorts Service Bulletin SD360–55–20	1	June 20, 2005.
Shorts Service Bulletin SD360–55–20	2	March 29, 2007.

Issued in Renton, WA, on May 11, 2009.

Ali Bahrami,

Manager, Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. E9–11709 Filed 5–19–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0463; Directorate Identifier 2008–NM–065–AD]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed

AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

A failure mode has been identified that can lead to loss of a nose wheel. Any combination of excessive wear and/or adverse tolerances on the axle inner cone, outer cone or wheel hub splined sleeve cones can result in the loss of the critical gap between the inner flange face of the wheel outer cone and the axle end face. If this gap is lost, it can result in the wheel having free play along the length of the axle. This condition, if not corrected, can result in breakage of the wheel nut lock plate leading to unscrewing of the wheel retention nut and

subsequent separation of the nose wheel from the landing gear axle.

* * * * *

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by June 19, 2009.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* (202) 493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact BAE Systems Regional Aircraft, 13850 McLearen Road, Herndon, Virginia 20171; telephone 703-736-1080; e-mail raebusiness@baesystems.com; Internet <http://www.baesystems.com/Businesses/RegionalAircraft/index.htm>. You may review copies of the referenced 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 or 425-227-1152.

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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1175; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2009-0463; Directorate Identifier 2008-NM-065-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2008-0036, dated February 22, 2008 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

A failure mode has been identified that can lead to loss of a nose wheel. Any combination of excessive wear and/or adverse tolerances on the axle inner cone, outer cone or wheel hub splined sleeve cones can result in the loss of the critical gap between the inner flange face of the wheel outer cone and the axle end face. If this gap is lost, it can result in the wheel having free play along the length of the axle. This condition, if not corrected, can result in breakage of the wheel nut lock plate leading to unscrewing of the wheel retention nut and subsequent separation of the nose wheel from the landing gear axle.

For the reasons described above, this AD requires repetitive inspections of the nose landing gear to ensure that the wheels are correctly retained and, depending on findings, replacement of worn parts.

Required actions include inspecting the lock plate for damage (including excessive wear) and cracking, and replacing the lock plate with a new or serviceable part if any damage or cracking is found; inspecting the wheel nut for damage, and replacing any damaged nut with a new or serviceable part; and measuring the gap between the inner flange of the outer cone (at each of the three sections) and the end face of the axle to determine if parts are worn, and replacing worn parts with new or serviceable parts.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

BAE Systems (Operations) Limited has issued Service Bulletin J41-32-086, dated June 27, 2007. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a Note within the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 7 products of U.S. registry. We also estimate that it would take about 4 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$2,240, or \$320 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 proposed regulation:

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 proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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:

BAE Systems (Operations) Limited
(Formerly British Aerospace Regional Aircraft): Docket No. FAA-2009-0463; Directorate Identifier 2008-NM-065-AD.

Comments Due Date

- (a) We must receive comments by June 19, 2009.

Affected ADs

- (b) None.

Applicability

- (c) This AD applies to BAE Systems (Operations) Limited Model Jetstream 4101 airplanes, certificated in any category, all models, all serial numbers.

Subject

- (d) Air Transport Association (ATA) of America Code 32: Landing Gear.

Reason

- (e) The mandatory continuing airworthiness information (MCAI) states:
A failure mode has been identified that can lead to loss of a nose wheel. Any combination of excessive wear and/or adverse tolerances on the axle inner cone, outer cone or wheel hub splined sleeve cones can result in the loss of the critical gap between the inner flange face of the wheel outer cone and the axle end face. If this gap is lost, it can result in the wheel having free play along the length of the axle. This condition, if not corrected, can result in breakage of the wheel nut lock plate leading to unscrewing of the wheel retention nut and subsequent separation of the nose wheel from the landing gear axle.

For the reasons described above, this AD requires repetitive inspections of the nose landing gear to ensure that the wheels are correctly retained and, depending on findings, replacement of worn parts.

Required actions include inspecting the lock plate for damage (including excessive wear) and cracking, and replacing the lock plate with a new or serviceable part if any damage or cracking is found; inspecting the wheel nut for damage, and replacing any damaged nut with a new or serviceable part; and measuring the gap between the inner flange of the outer cone (at each of the three sections) and the end face of the axle to determine if parts are worn, and replacing worn parts with new or serviceable parts.

Actions and Compliance

- (f) Unless already done, do the following actions for the left and right nose wheel attachments to the axle.

- (1) Within 3 months after the effective date of this AD, inspect the lock plate for damage (including excessive wear) and cracking, inspect the wheel nut for damage, and measure the gap between the inner flange of the outer cone and the end face of the axle to determine if parts are worn, in accordance with paragraph 2.B. of BAE Systems (Operations) Limited Service Bulletin J41-32-086, dated June 27, 2007.

- (2) If, during any inspection required by paragraph (f)(1) of this AD, any damage or cracking of the lock plate is found, before further flight, replace the lock plate with a new or serviceable part, in accordance with paragraph 2.B. of BAE Systems (Operations) Limited Service Bulletin J41-32-086, dated June 27, 2007.

- (3) If, during any inspection required by paragraph (f)(1) of this AD, any damage of the

wheel nut is found, before further flight, replace the wheel nut with a new or serviceable part, in accordance with paragraph 2.B. of BAE Systems (Operations) Limited Service Bulletin J41-32-086, dated June 27, 2007.

- (4) If, during any measurement required by paragraph (f)(1) of this AD, the measured gap size is found to be less than 0.002 inch (0.05 mm), before further flight, replace any worn parts with new or serviceable parts, in accordance with paragraph 2.B. of BAE Systems (Operations) Limited Service Bulletin J41-32-086, dated June 27, 2007. Within 3,000 flight hours after doing the replacement, repeat the actions for the left and right nose wheel attachments to the axle that are required by paragraph (f)(1) of this AD.

- (5) If, during any measurement required by paragraph (f)(1) of this AD, the measured gap size is equal to or more than 0.002 inch (0.05 mm), repeat the actions for the left and right nose wheel attachments to the axle that are required by paragraph (f)(1) of this AD thereafter at intervals not to exceed the value indicated in Table 1 of this AD, depending on the exact finding. If, during any repeat inspection, the finding has changed to another value (see Table 1), adjust the new interval accordingly.

TABLE 1—REPEAT INSPECTION INTERVALS

Measured gap size	Repeat inspection interval in flight hours
0.002 inch to 0.005 inch inclusive (0.05/0.13 mm).	500 flight hours.
Greater than 0.005 inch to less than or equal to 0.010 inch (0.13/0.25 mm).	1,000 flight hours.
Greater than 0.010 inch to less than or equal to 0.020 inch (0.25/0.51 mm).	2,000 flight hours.
Greater than 0.020 inch (0.51 mm).	3,000 flight hours.

Note 1: Replacement of parts does not constitute terminating action for the inspection requirements of this AD.

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows: Although BAE Systems (Operations) Limited Service Bulletin J41-32-086, dated June 27, 2007, does not specify an inspection following the replacement of the left and right nose wheel attachment to the axle for measurements less than 0.002 inch, paragraph (f)(4) of this AD requires an inspection within 3,000 flight hours after replacing the part.

Other FAA AD Provisions

- (g) The following provisions also apply to this AD:

- (1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, FAA, has the authority to approve

AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Todd Thompson, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1175; fax (425) 227-1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

(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.

(3) **Reporting Requirements:** For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

Related Information

(h) Refer to MCAI European Aviation Safety Agency (EASA) Airworthiness Directive 2008-0036, dated February 22, 2008; and BAE Systems (Operations) Limited Service Bulletin J41-32-086, dated June 27, 2007; for related information.

Issued in Renton, Washington, on May 7, 2009.

Ali Bahrami,

*Manager, Transport Airplane Directorate,
Aircraft Certification Service.*

[FR Doc. E9-11710 Filed 5-19-09; 8:45 am]

BILLING CODE 4910-13-P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Parts 1601, 1602, 1603, 1607, 1610, 1611, 1614, 1625, and 1690

RIN 3046-AA88

Amendment of Procedural and Administrative Regulations To Include the Genetic Information Nondiscrimination Act of 2008 (GINA)

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Equal Employment Opportunity Commission ("EEOC" or "Commission") proposes to amend some of its existing regulations to include references to title II of the Genetic Information Nondiscrimination Act of 2008 ("GINA"), which prohibits employment discrimination based on genetic information.

DATES: Comments must be received on or before July 20, 2009.

ADDRESSES: Send written comments by mail to Stephen Llewellyn, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street, NE., Suite 6NE03F, Washington, DC 20507. Written comments of six or fewer pages may be faxed to the Executive Secretariat at (202) 663-4114. (There is no toll free FAX number.) Receipt of facsimile transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663-4070 (voice) or (202) 663-4074 (TTY). (These are not toll free numbers.) Instead of sending written comments to EEOC, comments may be submitted to EEOC electronically on the Federal eRulemaking Portal: <http://www.regulations.gov>. After accessing this Web site, follow its instructions for submitting comments.

All comments received will be posted without change to <http://www.regulations.gov>, including any personal information you provide. Copies of the received comments also will be available for inspection in the EEOC Library by advance appointment only, from 9 a.m. to 5 p.m., Monday through Friday except legal holidays, from July 20, 2009 until the Commission publishes the rule in final form. Persons who schedule an appointment in the EEOC Library and need assistance to view the comments will be provided with appropriate aids upon request, such as readers or print magnifiers. To schedule an appointment to inspect the comments at the EEOC Library, contact the EEOC Library by calling (202) 663-4630 (voice) or (202) 663-4641 (TTY). (These are not toll free numbers.)

FOR FURTHER INFORMATION CONTACT:

Thomas J. Schlageter, Assistant Legal Counsel, (202) 663-4668, or Erin N. Norris, Senior Attorney, (202) 663-4876, Office of Legal Counsel, 131 M Street, NE., Washington, DC 20507. Copies of this rule are available in the following alternate formats: large print, braille, electronic computer disk, and audio-tape. Requests for this notice in an alternative format should be made to the Publications Center at 1-800-699-3362 (voice), 1-800-800-3302 (TTY), or 703-821-2098 (FAX—this is not a toll free number).

SUPPLEMENTARY INFORMATION: On May 21, 2008, President George W. Bush signed the Genetic Information Nondiscrimination Act of 2008 ("GINA") into law. Title II of GINA protects job applicants, current and former employees, labor union

members, and apprentices and trainees from discrimination based on their genetic information. Title II of GINA's coverage corresponds with that of Title VII of the Civil Rights Act of 1964, as amended, covering employers with 15 or more employees, employment agencies, labor unions, and joint labor-management training programs, as well as federal sector employers. Title II will become effective on November 21, 2009. In a separate notice of proposed rulemaking, found at 74 FR 9056, EEOC issued proposed interpretive regulations under GINA. In the current rulemaking, EEOC is proposing to amend its procedural and administrative regulations to add references to GINA. In addition, EEOC is taking the opportunity to replace the outdated terms "handicap" and "handicaps" with the terms "disability" and "disabilities" throughout its regulations in Chapter XIV of Title 29 of the Code of Federal Regulations.

Regulatory Procedures

Executive Order 12866

The Commission has complied with the principles in section 1(b) of Executive Order 12866, Regulatory Planning and Review. This rule is not a "significant regulatory action" under section 3(f) of the Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(3) of the Order.

Paperwork Reduction Act

This regulation contains no new information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

Regulatory Flexibility Act

The Commission certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because it only adds references and does not impose a burden on any business entities. For this reason, a regulatory flexibility analysis is not required.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.