

# Rules and Regulations

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## BUREAU OF CONSUMER FINANCIAL PROTECTION

### 12 CFR Part 1090

[Docket No. CFPB-2012-0040]

RIN 3170-AA30

#### Defining Larger Participants of the Consumer Debt Collection Market; Correction

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Final rule; correction.

**SUMMARY:** The Bureau of Consumer Financial Protection published in the **Federal Register** of October 31, 2012 a final rule amending the regulation defining larger participants of certain consumer financial product and service markets by adding a new section to define larger participants of a market for consumer debt collection. The final rule contained four typographical errors, which this document corrects.

**DATES:** This correcting amendment is effective on January 2, 2013.

**FOR FURTHER INFORMATION CONTACT:** Kali Bracey, Senior Counsel, (202) 435-7141, or Susan Torzilli, Attorney-Advisor, (202) 435-7464, Office of Nonbank Supervision, Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** The Bureau of Consumer Financial Protection (Bureau) published a final rule in the **Federal Register** of October 31, 2012 (77 FR 65775) amending 12 CFR part 1090 by adding a new section to define larger participants of a market for consumer debt collection. The final rule contained four typographical errors, which this document corrects. Three of these errors were incorrect cross-references. The other error was an omission of a subheading designation.

The Bureau finds that there is good cause to publish these corrections

without seeking public comment. See 5 U.S.C. 553(b)(B). Public comment is unnecessary because the Bureau is correcting inadvertent, technical errors about which there is minimal, if any, basis for substantive disagreement.

Accordingly, in FR Doc. 2012-26467 published on October 31, 2012 (77 FR 65775), make the following corrections:

1. On page 65798, in the second column, in § 1090.105, in paragraph (iii)(C) of the definition of *Annual receipts*, remove the first reference to “(iii)(B)” and add “(ii)” in its place.

2. On page 65798, in the second column, in § 1090.105, in paragraph (iii)(C) of the definition of *Annual receipts*, remove the second reference to “(iii)(B)” and add “(ii)(B)” in its place.

3. On page 65798, in the second column, in § 1090.105, in paragraph (iii)(D) of the definition of *Annual receipts*, remove “(iii)(B)” and add “(ii)” in its place.

4. On page 65798, in the third column, add the paragraph designation “(b)” before “*Test to define larger participants*”.

Dated: November 28, 2012.

**Richard Cordray,**

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2012-29438 Filed 12-6-12; 8:45 am]

**BILLING CODE 4810-AM-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2012-0500; Directorate Identifier 2010-SW-014-AD; Amendment 39-17263; AD 2012-23-07]

RIN 2120-AA64

#### Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for all Eurocopter Deutschland GmbH (ECD) Model EC135 helicopters, except the EC 135 P2+ and T2+. This AD requires inspecting each upper and lower plain journal bearing (bearing) and replacing the swashplate assembly with an airworthy swashplate assembly if a

bearing is not correctly positioned. This AD was prompted by two reports of the bearings moving in relation to the main rotor swashplate sliding sleeve (sliding sleeve). The actions of this AD are intended to detect shifting of the bearing, which could limit the movement of the collective control and result in subsequent loss of control of the helicopter.

**DATES:** This AD is effective January 11, 2013.

**ADDRESSES:** For service information identified in this AD, contact American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053-4005, telephone (800) 232-0323, fax (972) 641-3710, or at <http://www.eurocopter.com>. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

#### 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 AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800-647-5527) is U.S. Department of Transportation, Docket Operations Office, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Gary Roach, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5110, email [gary.b.roach@faa.gov](mailto:gary.b.roach@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

On May 11, 2012, at 77 FR 27661, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would apply to all Eurocopter Deutschland GmbH (ECD) model EC135 helicopters, except the EC 135 P2+ and T2+. That NPRM proposed to require repetitively inspecting the

bearings and replacing the swashplate assembly if a bearing is not correctly positioned. The NPRM also provided that replacing the swashplate assembly terminated the proposed inspection requirements. The proposed requirements were intended to detect shifting of a bearing, which could limit the movement of the collective control and result in loss of control of the helicopter.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued AD No. 2009-0272, dated December 18, 2009 (AD 2009-0272), to correct an unsafe condition for Eurocopter Model EC 135 and EC 635 helicopters. EASA advises that during two separate pre-flight checks on Model EC 135 helicopters in 2005, it was detected that one of the bearings of the sliding sleeve had moved to the outside of the sliding sleeve. EASA states that this condition, if not detected and corrected, could lead to a complete shift of the bearing to the inside or outside, creating the possibility of a limited movement of the collective, which could result in reduced control of the helicopter.

#### Comments

We gave the public the opportunity to participate in developing this AD, but we received no comments on the NPRM (77 FR 27661, May 11, 2012).

#### FAA's Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

#### Differences Between This AD and the EASA AD

This AD differs from the EASA AD as follows:

- This AD requires the visual inspection to be performed by a mechanic, and repeated every 5 hours TIS. The EASA AD allows the visual inspection to be accomplished by a pilot during a preflight inspection.
- This AD does not require contacting ECD customer service for corrective actions.

- This AD provides terminating action for the inspection requirements for the bearings by replacing the swashplate assembly with a later-design swashplate assembly, part number L623M2005103.

- The EASA AD applies to ECD model EC635 aircraft, and this AD does not because the EC635 does not have an FAA issued type-certificate.

#### Related Service Information

We reviewed Eurocopter Alert Service Bulletin (ASB) EC135-62A-021, dated June 23, 2005 (EC135-62A-021). EC135-62A-021 describes procedures for visually checking the bearings of the sliding sleeve during preflight. EASA classified this ASB as mandatory and issued AD 2009-0272 to ensure the continued airworthiness of these helicopters.

#### Costs of Compliance

We estimate that this AD will affect 218 helicopters of U.S. registry and that operators will incur the following costs to comply with this AD:

- Inspecting the bearings requires about 15 minutes at an average labor rate of \$85 per hour, for a cost per helicopter of about \$22 and a total cost to the U.S. operator fleet of \$4,796 per inspection cycle.
- If required, replacing the swashplate assembly will take about 8 work hours at an average labor rate of \$85 per hour, and required parts will cost about \$38,586, for a total cost per helicopter of \$39,266.

#### 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 helicopters identified in this rulemaking action.

#### Regulatory Findings

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 DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
- (3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; 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.

We prepared an economic evaluation of the estimated costs to comply with this 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.

#### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 (AD):

**2012-23-07 Eurocopter Deutschland GmbH Helicopters:** Amendment 39-17263; Docket No. FAA-2012-0500; Directorate Identifier 2010-SW-014-AD.

#### (a) Applicability

This AD applies to all Eurocopter Deutschland GmbH (ECD) Model EC135 helicopters, except EC 135 P2+ and EC135 T2+, with a swashplate assembly, part number (P/N) L623M2006101, installed, certificated in any category.

#### (b) Unsafe Condition

This AD defines the unsafe condition as movement of the plain journal bearings to the outside of the main rotor swashplate sliding sleeve (sliding sleeve). This condition could limit movement of the collective and result in subsequent loss of control of the helicopter.

**(c) Effective Date**

This AD becomes effective January 11, 2013.

**(d) Compliance**

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

**(e) Required Actions**

Within 5 hours time-in-service (TIS), and thereafter at intervals not to exceed 5 hours TIS:

(1) Visually inspect the position of the upper plain journal bearing and determine if it is flush with the sliding sleeve.

**Note to paragraph (e)(1) of this AD:** Figure 1 of Eurocopter Alert Service Bulletin EC135–62A–021, dated June 23, 2005, which is not incorporated by reference, contains additional information about the inspection.

(2) Visually inspect the lower plain journal bearing and determine if it is recessed 2 millimeters from the sliding sleeve.

(3) If the upper plain journal bearing is not flush with the sliding sleeve or the lower plain journal bearing is not recessed 2 mm, before further flight, replace the swashplate assembly with an airworthy swashplate assembly.

(4) Replacing the swashplate assembly, P/N L623M2006101, with a later designed swashplate assembly, P/N L623M2005103, constitutes a terminating action for the requirements of this AD.

**(f) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Gary Roach, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5110, email [gary.b.roach@faa.gov](mailto:gary.b.roach@faa.gov).

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

**(g) Additional Information**

(1) Eurocopter Alert Service Bulletin EC135–62A–021, dated June 23, 2005, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053–4005, telephone (800) 232–0323, fax (972) 641–3710, or at <http://www.eurocopter.com>. You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency AD 2009–0272, dated December 18, 2009.

**(h) Subject**

Joint Aircraft Service Component (JASC)  
Code: 6230: Main Rotor Mast/Swashplate.

Issued in Fort Worth, Texas, on November 8, 2012.

**Lance T. Gant,**

*Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2012–28044 Filed 12–6–12; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF COMMERCE****Office of the Secretary****15 CFR Part 6**

[Docket No. 121022566–2566–01]

**RIN 0605–AA31**

**Civil Monetary Penalties; Adjustment for Inflation**

**AGENCY:** Office of the Secretary, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule is being issued to adjust each civil monetary penalty provided by law within the jurisdiction of the Department of Commerce (the Department). The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, required the head of each agency to adjust its civil monetary penalties (CMP) for inflation no later than October 23, 1996, and requires agencies to make adjustments at least once every four years thereafter. These inflation adjustments will apply only to violations that occur after the effective date of this rule.

**DATES:** This rule is effective December 7, 2012.

**ADDRESSES:** Office of General Counsel, Department of Commerce, 1401 Constitution Avenue NW., MS 5876, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Peter Robbins; (202) 482–0846.

**SUPPLEMENTARY INFORMATION:** The Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410) provided for the regular evaluation of CMPs to ensure that they continue to maintain their deterrent value and that penalty amounts due to the Federal Government are properly accounted for and collected. On April 26, 1996, the Federal Civil Penalties Inflation Adjustment Act of 1990 was amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134) to require each agency to issue regulations to adjust its CMPs for inflation at least

every four years. The amendment further provided that any resulting increases in a CMP due to the inflation adjustment should apply only to the violations that occur subsequent to the date of the publication in the **Federal Register** of the increased amount of the CMP. The first inflation adjustment of any penalty shall not exceed ten percent of such penalty.

On October 24, 1996, November 1, 2000, December 14, 2004, and December 11, 2008, the Department published in the **Federal Register** a schedule of CMPs adjusted for inflation as required by law. By this publication, CMPs are again being adjusted for inflation as prescribed by law.

A civil monetary penalty is defined as any penalty, fine, or other sanction that:

1. Is for a specific monetary amount as provided by Federal law, or has a maximum amount provided for by Federal law; and,
2. Is assessed or enforced by an agency pursuant to Federal law; and,
3. Is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

This regulation adjusts the CMPs that are established by law and assessed or enforced by the Department.

The actual penalty assessed for a particular violation is dependent upon a variety of factors. For example, the National Oceanic and Atmospheric Administration's (NOAA) Policy for the Assessment of Civil Administrative Penalties and Permit Sanctions (Penalty Policy), a compilation of internal guidelines that are used when assessing penalties for violations for most of the statutes NOAA enforces, will be interpreted in a manner consistent with this regulation to maintain the deterrent effect of the penalties recommended therein. The penalty ranges in the Penalty Policy are intended to aid enforcement attorneys in determining the appropriate penalty to assess for a particular violation. The Penalty Policy is maintained and made available to the public on the NOAA Office of the General Counsel, Enforcement Section Web site at: [http://www.gc.noaa.gov/documents/031611\\_penalty\\_policy.pdf](http://www.gc.noaa.gov/documents/031611_penalty_policy.pdf).

The inflation adjustments were determined pursuant to the methodology prescribed by Public Law 101–410, which requires the maximum CMP, or the minimum and maximum CMP, as applicable, to be increased by the cost-of-living adjustment. The term “cost-of-living adjustment” was defined in Public Law 104–134 to mean the percentage for each CMP by which the Consumer Price Index (CPI) for June of the calendar year preceding the adjustment exceeds the CPI for the