

other information collection burdens imposed on the public. This action does not impose any reporting or recordkeeping requirements. It pertains solely to the collection of debts owed to the federal government.

*Executive Order 12630 (Taking of Private Property)*

This action would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights."

*Executive Order 12988 (Civil Justice Reform)*

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, "Civil Justice Reform," to minimize litigation, eliminate ambiguity, and reduce burden.

*Executive Order 13045 (Protection of Children)*

Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (April 23, 1997, 62 FR 19885), requires that agencies issuing economically significant rules, which also concern an environmental health or safety risk that an agency has reason to believe may disproportionately affect children, must include an evaluation of the environmental health and safety effects of the regulation on children. Section 5 of Executive Order 13045 directs an agency to submit for a covered regulatory action an evaluation of its environmental health or safety effects on children. The EAC has determined that these rules are not covered regulatory actions as defined under Executive Order 13045. This determination is based upon the fact that this action is not economically significant under Executive Order 12866, because the changes proposed would not have an impact of \$100 million or more in any one year, and do not constitute an environmental health risk or safety risk that would disproportionately affect children.

*Executive Order 12372 (Intergovernmental Review)*

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities do not apply to this rulemaking.

*Executive Order 13211 (Energy Supply, Distribution, or Use)*

The EAC has analyzed this action under Executive Order 13211, "Actions

Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use." This proposal is not a significant energy action within the meaning of section 4(b) of the Executive Order. This rule involves internal procedures of the collection of debts owed to the federal government, is not economically significant, and will not have a significant adverse effect on the supply, distribution, or use of energy.

**List of Subjects 11 CFR Part 9430**

Administrative practice and procedure, Debts, Claims.

■ In consideration of the foregoing, EAC amends title 11, Code of Federal Regulations, chapter II, by adding Part 9430 to read as follows:

**PART 9430—DEBT COLLECTION**

Sec.

9430.1 Cross-reference to executive branch-wide debt collection regulations

9430.2 [Reserved]

9430.3 [Reserved]

9430.4 [Reserved]

9430.5 [Reserved]

**Authority:** 31 U.S.C. 3716(b); 31 U.S.C. 3711(d)(2); 31 CFR parts 900–904,

**§ 9430.1 Cross-reference to executive branch-wide debt collection regulations.**

The U.S. Election Assistance Commission adopts the regulations at 31 CFR parts 900–904, governing administrative collection, offset, compromise, and the suspension or termination of collection activity for civil claims for money, funds, or property, as defined by 31 U.S.C. 3701(b).

**§ 9430.2 [Reserved]**

**§ 9430.3 [Reserved]**

**§ 9430.4 [Reserved]**

**§ 9430.5 [Reserved]**

**Thomas R. Wilkey,**

*Executive Director, U.S. Election Assistance Commission.*

[FR Doc. E9–13859 Filed 6–11–09; 8:45 am]

**BILLING CODE 6820–KF–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA–2009–0284; Directorate Identifier 2009–CE–016–AD; Amendment 39–15939; AD 2009–12–16]

**RIN 2120–AA64**

**Airworthiness Directives; Dornier Luftfahrt GmbH Models Dornier 228–100, Dornier 228–101, Dornier 228–200, Dornier 228–201, Dornier 228–202, and Dornier 228–212 Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are superseding an existing airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued 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:

The manufacturer reported findings of missing primer on the internal of the elevator and rudder of aircraft S/N 8200. The aircraft S/N 8200 was with RUAG for maintenance purposes. Investigation performed by RUAG showed that the paint removal procedure for the rudder and elevator was changed from a paint stripping with brush and scraper to a procedure where the parts were submerged in a tank filled with hot liquid stripper. The stripper is called TURCO 5669 from Henkel Surface Technologies. The stripping process is described in the Technical Process Bulletin No. 238799 dated 09/01/1999. This paint stripping process change was not communicated to and not approved by the TC-Holder.

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective July 17, 2009.

On July 17, 2009, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Greg Davison, Glider Program Manager, 901 Locust, Room 301, Kansas City,

Missouri 64106; telephone: (816) 329-4130; fax: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on March 30, 2009 (74 FR 14097), and proposed to supersede AD 2008-08-15, Amendment 39-15467 (73 FR 21220; April 21, 2008). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states that:

The manufacturer reported findings of missing primer on the internal of the elevator and rudder of aircraft S/N 8200. The aircraft S/N 8200 was with RUAG for maintenance purposes. Investigation performed by RUAG showed that the paint removal procedure for the rudder and elevator was changed from a paint stripping with brush and scraper to a procedure where the parts were submerged in a tank filled with hot liquid stripper. The stripper is called TURCO 5669 from Henkel Surface Technologies. The stripping process is described in the Technical Process Bulletin No. 238799 dated 09/01/1999. This paint stripping process change was not communicated to and not approved by the TC-Holder.

Corrosion damage can occur through insufficient surface protection. Consequently, the MCAI requires a detailed visual inspection of the inner structure of the rudder and elevator for signs of corrosion, de-bonded primer (yellow-green), and any deviation of surface protection. If the inspection results show corrosion beyond the acceptable level or areas with de-bonded primer, the inspection results have to be reported to RUAG Aerospace Services GmbH for further decisions. If necessary, repair the affected parts in accordance with the applicable repair instruction obtained from RUAG Aerospace Services GmbH.

##### Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

##### Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

##### 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 required 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 AD.

##### Costs of Compliance

We estimate that this AD will affect 17 products of U.S. registry. We also estimate that it will take about 3 work-hours per product to comply with the basic requirements of this AD. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$4,080, or \$240 per product.

We have no way of determining the number of airplanes or the associated costs of any follow-on repairs or replacements that might be required by this AD.

##### 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 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 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); 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 AD and placed it in the AD Docket.

##### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

##### 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 removing Amendment 39-15467 (73 FR 21220; April 21, 2008) and adding the following new AD:

##### 2009-12-16 Dornier Luftfahrt GmbH:

Amendment 39-15939; Docket No. FAA-2009-0284; Directorate Identifier 2009-CE-016-AD.

##### Effective Date

(a) This airworthiness directive (AD) becomes effective July 17, 2009.

##### Affected ADs

(b) This AD supersedes AD 2008-08-15, Amendment 39-15467.

##### Applicability

(c) This AD applies to Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, Dornier 228-202, and Dornier 228-212 airplanes, all serial numbers, that:

(1) Are certificated in any category; and

(2) have had the rudder and/or elevator replaced or repaired at Fairchild Dornier or RUAG between the year 2000 and 2005. The concerned rudder and elevator part numbers and serial numbers are listed on page 7 of RUAG Aerospace Defence Technology Dornier 228 Service Bulletin No. SB-228-270 (includes undated attachments 1 and 2 to SB-228-270 Rev. 1), Rev. No. 1, dated November 28, 2008.

#### Subject

(d) Air Transport Association of America (ATA) Code 51: Standard Practices/Structures.

#### Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

The manufacturer reported findings of missing primer on the internal of the elevator and rudder of aircraft S/N 8200. The aircraft S/N 8200 was with RUAG for maintenance purposes. Investigation performed by RUAG showed that the paint removal procedure for the rudder and elevator was changed from a paint stripping with brush and scraper to a procedure where the parts were submerged in a tank filled with hot liquid stripper. The stripper is called TURCO 5669 from Henkel Surface Technologies. The stripping process is described in the Technical Process Bulletin No. 238799 dated 09/01/1999. This paint stripping process change was not communicated to and not approved by the TC-Holder.

Corrosion damage can occur through insufficient surface protection. Consequently, the MCAI requires a detailed visual inspection of the inner structure of the rudder and elevator for signs of corrosion, de-bonded primer (yellow-green), and any deviation of surface protection. If the inspection results show corrosion beyond the acceptable level or areas with de-bonded primer, the inspection results have to be reported to RUAG Aerospace Services GmbH for further decisions. If necessary, repair the affected parts in accordance with the applicable repair instruction obtained from RUAG Aerospace Services GmbH.

#### Actions and Compliance

(f) Unless already done, do the following actions:

(1) Within 2 months after July 17, 2009 (the effective date of this AD), do a detailed visual inspection on the inner structure of the rudder and elevator for signs of corrosion, de-bonded primer (yellow-green), and any other deviation of surface protection following RUAG Aerospace Defence Technology Dornier 228 Service Bulletin No. SB-228-270 (includes undated attachments 1 and 2 to SB-228-270 Rev. 1), Rev. No. 1, dated November 28, 2008.

(2) If you find corrosion or areas with de-bonded primer as a result of the inspection required by paragraph (f)(1) of this AD, before further flight, do the following:

(i) Report the inspection results to RUAG Aerospace Services GmbH, Dornier 228 Customer Support, P.O. Box 1253, 82231 Wessling, Federal Republic of Germany, telephone: +49 (0) 8153-30-2280; fax: +49 (0) 8153-30-3030 and request FAA-approved

repair instructions following RUAG Aerospace Defence Technology Dornier 228 Service Bulletin No. SB-228-270 (includes undated attachments 1 and 2 to SB-228-270 Rev. 1), Rev. No. 1, dated November 28, 2008.

(ii) Repair corrosion following FAA-approved repair instructions obtained from RUAG Aerospace Services GmbH.

#### FAA AD Differences

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

#### Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, 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: Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; fax: (816) 329-4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(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 (44 U.S.C. 3501 *et seq.*), 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 German AD D-2007-350R1, dated January 30, 2009; and RUAG Aerospace Defence Technology Dornier 228 Service Bulletin No. SB-228-270 (includes undated attachments 1 and 2 to SB-228-270 Rev. 1), Rev. No. 1, dated November 28, 2008, for related information.

#### Material Incorporated by Reference

(i) You must use RUAG Aerospace Defence Technology Dornier 228 Service Bulletin No. SB-228-270 (includes undated attachments 1 and 2 to SB-228-270 Rev. 1), Rev. No. 1, dated November 28, 2008, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact RUAG Aerospace Services GmbH, Dornier 228 Customer Support, P.O. Box 1253, 82231 Wessling, Federal Republic of Germany, telephone: +49 (0) 8153-30-

2280; fax: +49 (0) 8153-30-3030; E-mail: [custsupport.dornier228@ruag.com](mailto:custsupport.dornier228@ruag.com); Internet: <http://www.ruag.com/>.

(3) You may review copies of the service information incorporated by reference for this AD at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the Central Region, call (816) 329-3768.

(4) You may also review copies of the service information incorporated by reference for this AD at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, 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 Kansas City, Missouri, on June 4, 2009.

**Kim Smith,**

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-13693 Filed 6-11-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0523; Directorate Identifier 2009-NM-018-AD; Amendment 39-15934; AD 2009-12-11]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Model A340-541 and -642 Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This 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:

Following a refined Finite Element Model (FEM) analysis of the Nose Landing Gear (NLG) actuator fitting installed on the roof panel of the NLG box of all A340-500/-600 aircraft, it has been demonstrated that potential fatigue cracks can be initiated on the NLG actuator fitting flanges.

This situation, if not corrected, could lead to inadvertent extension of the NLG which could adversely affect the aircraft's continued safe flight or [could result in] failure to retract the NLG which, in combination with an engine failure, could adversely affect the aircraft's safe take off.