

Proposed Rules

Federal Register

Vol. 73, No. 199

Tuesday, October 14, 2008

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-0242; Directorate Identifier 2007-NE-51]

Airworthiness Directives; General Electric Company CF6-80C2 and CF6-80E1 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to General Electric Company (GE) CF6-80C2 and CF6-80E1 series turbofan engines. That action would have required replacement of all clevis pins installed on the thrust reverser central drive units and upper and lower actuators, or replacement of pins that fail an on-wing rebound hardness test. Since we issued that NPRM, we determined there is no unsafe condition that warrants issuing an AD. The likelihood of this event occurring again and significantly damaging an aircraft is very low. Accordingly, we withdraw the proposed rule.

FOR FURTHER INFORMATION CONTACT:

Christopher Richards, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; *e-mail*: christopher.j.richards@faa.gov; *telephone*: (781) 238-7133, *fax*: (781) 238-7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to (GE) CF6-80C2 and CF6-80E1 series turbofan engines, was published in the **Federal Register** on February 25, 2008 (73 FR 9970). The proposed rule would have required replacement of all clevis pins installed

on the thrust reverser central drive units and upper and lower actuators, or replacement of pins that fail an on-wing rebound hardness test. That action results from failure of a thrust reverser during landing due to unapproved clevis pins being installed. The failure was due to lack of clevis pin hardness. The proposed actions were intended to prevent thrust reverser failure, which could lead to damage to the thrust reverser and airplane.

Since we issued that NPRM we have determined we don't need to issue an Airworthiness Directive to mandate an inspection. We have determined that the probability that inferior pin material is present in the fleet does not present sufficient risk to warrant an AD. However, operators and maintenance facilities should remain diligent in their normal maintenance practices to prevent installation of unapproved materials and to recognize when a clevis pin of inferior material is installed. We issued Safety Information Alert Bulletin No. NE-08-44, dated September 3, 2008, to aid in identifying and understanding the inferior clevis pin material.

Upon further consideration, we determined there is no unsafe condition that warrants issuing an AD. The likelihood of this event occurring again and significantly damaging an aircraft is very low. Accordingly, we withdraw the proposed rule.

Withdrawing this notice of proposed rulemaking constitutes only such action, and does not preclude us from issuing another notice in the future, nor does it commit us to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket No. FAA-2007-0242, published in the **Federal Register** on February 25, 2008 (73 FR 9970), is withdrawn.

Issued in Burlington, Massachusetts, on October 1, 2008.

Peter A. White,

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

[FR Doc. E8-24248 Filed 10-10-08; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2550

RIN 1210-AB13

Investment Advice—Participants and Beneficiaries; Hearing

AGENCY: Employee Benefits Security Administration, U.S. Department of Labor.

ACTION: Proposed rule; Notice of hearing.

SUMMARY: Notice is hereby given that the Department of Labor will hold a hearing on the Department's proposed regulation under provisions of the Employee Retirement Income Security Act of 1974, as amended (ERISA, or the Act), and the Internal Revenue Code of 1986, as amended (Code), relating to the provision of investment advice to participants and beneficiaries of self-directed individual account plans and individual retirement accounts (IRAs).

DATES: The hearing will be held on October 21, 2008, beginning at 8 a.m., EST. Persons interested in presenting testimony and answering questions at the public hearing must submit requests and certain other information (as discussed below), by 3:30 p.m., EST, October 16, 2008.

ADDRESSES: The hearing will be held at the U.S. Department of Labor, Room S-3215 A&B, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Fil Williams, Office of Regulations and Interpretations, Employee Benefits Security Administration, (202) 693-8510. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

On August 22, 2008 (73 FR 49896), the Department of Labor (the Department) published in the **Federal Register** a notice of proposed rulemaking to implement the provisions of the statutory exemption set forth in

sections 408(b)(14) and 408(g) of the Act, and parallel provisions of the Code, relating to the provision of investment advice described in the Act by a fiduciary adviser to participants and beneficiaries in participant-directed individual account plans, and beneficiaries of IRAs (and certain similar plans).

Also on August 22, 2008, notice was published in the **Federal Register** (73 FR 49924) that the Department has under consideration a proposed class exemption to permit the provision of investment advice to participants and beneficiaries of self-directed individual account plans, such as 401(k) plans, and IRAs. The Department proposed the class exemption on its own motion pursuant to section 408(a) of ERISA, and in accordance with the procedures set forth in 29 CFR Part 2570, subpart B (55 FR 32836, August 10, 1990).

Specifically, upon adoption, the proposed exemption would provide relief from the restrictions of section 406(a) and 406(b) of the Act, and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, for the provision of investment advice described in section 3(21)(A)(ii) of ERISA by a fiduciary adviser to a participant or beneficiary in an individual account plan or IRA (and certain similar plans), the acquisition, holding or sale of a security or other property pursuant to the investment advice, and the direct or indirect receipt of fees or other compensation by the fiduciary adviser (or any employee, agent, registered representative or affiliate thereof) in connection with such transactions.

Upon adoption, both the regulation and exemption would affect sponsors, fiduciaries, participants and beneficiaries of participant-directed individual account plans and IRAs, as well as providers of investment and investment advice-related services to such plans.

In the notice of proposed regulation and exemption, the Department invited all interested persons to submit written comments on or before October 6, 2008. To date, the Department has received approximately 39 written comments both the proposed regulation and class exemption, many of which were from major industry groups. All written comments are available to the public, without charge, online at www.dol.gov/ebsa and at the Public Disclosure Room N-1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

In their written comments, four parties requested that the Department

hold a public hearing to more fully examine issues raised under the proposed regulation and class exemption, and expressed an interest in testifying. In view of the importance of these initiatives and their potential for significantly affecting the provision of investment advice to participants and beneficiaries in affected plans, and taking into account the concerns of these commenters, the Department has decided to hold a public hearing. The primary purpose of this hearing is to further develop the public record regarding the regulation and to assist the Department in understanding the issues and other concerns raised by the written comments. Because information contained in previously-submitted written comments is already part of the public record, the Department expects that persons testifying at the hearing will present information not previously addressed in their written comments.

The hearing will be held on October 21, 2008, beginning at 8 a.m. and ending at 5 p.m., EST, in Room S-3215 A&B of the Department of Labor, Francis Perkins Building, at 200 Constitution Avenue, NW., Washington, DC 20210.

Persons interested in presenting testimony and answering questions at this public hearing must submit, by 3:30 p.m., EST, October 16, 2008, the following information: (1) A written request to be heard; and (2) An outline of the topics to be discussed, indicating the time allocated to each topic. To facilitate the receipt and processing of responses, EBSA encourages interested persons to submit their requests and outlines electronically by e-mail to e-ORI@dol.gov. Persons submitting requests and outlines electronically are encouraged not to submit paper copies.

Persons submitting requests and outlines on paper should send or deliver their requests and outlines (preferably at least three copies) to the Office of Regulations and Interpretations, Employee Benefits Security Administration, Attn: Investment Advice Hearing, Room N-5655, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. All requests and outlines submitted to the Department will be available to the public, without charge, online at www.dol.gov/ebsa and at the Public Disclosure Room N-1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

The Department will prepare an agenda indicating the order of presentation of oral comments and testimony. In the absence of special circumstances, each presenter will be

allotted ten (10) minutes in which to complete his or her presentation.

Any individuals with disabilities who may need special accommodations should notify Fil Williams on or before October 16, 2008.

Information about the agenda will be posted on <http://www.dol.gov/ebsa> on or after October 16, 2008, or may be obtained by contacting Fil Williams, Office of Regulations and Interpretations, Employee Benefits Security Administration, U.S. Department of Labor, telephone (202) 693-8510 (this is not a toll-free number).

Those individuals who make oral comments and testimonies at the hearing should be prepared to answer questions regarding their information and/or comments. The hearing will be transcribed.

Notice of Public Hearing

Notice is hereby given that a public hearing will be held on October 21, 2008, concerning the Department's proposed regulation and class exemption for the provision of investment advice to participants and beneficiaries of self-directed individual account plans and IRAs. The hearing will be held beginning at 8 a.m. in Room S-3215 A&B of the U.S. Department of Labor, Francis Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 8th day of October 2008.

Bradford P. Campbell,

Assistant Secretary, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. E8-24337 Filed 10-10-08; 8:45 am]

BILLING CODE 4510-29-P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 2008-9]

Fees

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking is issued to inform the public that the Copyright Office of the Library of Congress is considering adoption of new fees for registration of claims, special services and Licensing Division services, and that the Office intends to submit a schedule of