

shall not be effective and no payments shall be made under such agreement or contract unless and until approved by the Director. Such notice should make clear that alteration of benefit plans subsequent to FHFA approval under this section, which affect final termination benefits of an executive officer, requires review at the time of the individual's termination from the Enterprise and prior to the payment of any benefits.

#### § 1230.5 Submission requirements.

(a) *In general.* Any information required to be submitted for purposes of obtaining approval of the Director under this part must be provided in a timely fashion by each regulated entity and the Office of Finance to the Director or as otherwise specified in guidance or other issuances of FHFA.

(b) *Information relating to prohibition and withholding of executive compensation.* The following materials, unless otherwise specified, shall be provided by each regulated entity and the Office of Finance to FHFA, in a format deemed appropriate by FHFA, for review within one week after the specified action or event—

(1) Resolutions, with no redactions, including supporting materials and related reports, from meetings of the board committee responsible for compensation when the committee takes any action regarding a compensation matter that under the committee's authority is effective without further action by the committee or the board of directors of the regulated entity;

(2) Resolutions, with no redactions, including supporting materials and related reports, not otherwise provided to FHFA under paragraph (b)(1) of this section, from meetings of the board of directors relating to executive compensation when the board of directors takes any action regarding a compensation matter that is effective without any further action by the board of directors;

(3) Minutes, with no redactions, including supporting materials and related reports, when adopted by the committee responsible for compensation and those portions of minutes of the board of directors, including supporting materials and related reports, related to compensation matters, except for materials previously provided under paragraphs (b)(1) or (2) of this section;

(4) General benefit plans applicable to executive officers when adopted or amended;

(5) Any study conducted by or on behalf of a regulated entity or the Office

of Finance with respect to compensation of executive officers, when delivered;

(6) With respect to an Enterprise, the annual compensation report to Congress when submitted to Congress;

(7) A current organizational chart when changes occur affecting the status of executive officers under this part;

(8) Proxy statements when issued; and

(9) Such other information as deemed appropriate by the Director.

(c) *Timing of submissions related to prior approval of termination benefits.* An Enterprise shall provide all relevant information to FHFA, unless already provided under paragraph (b) of this section:

(1) Except as provided in § 1230.4(d), before an Enterprise enters into any agreement or contract with a new or existing executive officer that includes termination benefits;

(2) Before an Enterprise makes any extension or other amendment to such an agreement or contract;

(3) Before an Enterprise takes any other action to provide termination benefits to a specific executive officer, regardless of how effected; or

(4) When an Enterprise makes any changes to the termination provisions of any compensation or benefit program affecting multiple executive officers.

(d) *Specific information required for calculation of termination benefits.* For submissions relating to termination benefits, a regulated entity and the Office of Finance shall submit to FHFA, in a format deemed appropriate by FHFA, the following materials:

(1) The details of the agreement or program change, *e.g.*, employment agreements, termination agreements, severance agreements, and portions of minutes of the board of directors relating to executive compensation and minutes and supporting materials of the committee of the board of directors responsible for compensation;

(2) All information, data, assumptions and calculations for the potential total dollar value or range of values of the benefits provided, such as, but not limited to salary, bonus opportunity, short-term incentives, long-term incentives, special incentives and pension provisions or related contract or benefit terms; and

(3) Such other information deemed appropriate by the Director, except that information required to be submitted under paragraph (c) of this section or under this paragraph shall not include information on benefit plans of general applicability.

#### § 1230.6 Temporary power in connection with executive compensation.

Notwithstanding any provision of this part, effective July 30, 2008, through

December 31, 2009, the Director may approve, disapprove, or modify the executive compensation of a regulated entity. For purposes of this section, the term "executive compensation" has the same meaning as defined under Regulation S-K, 17 CFR part 229.

#### § 1230.7 Compliance.

Failure by a regulated entity or the Office of Finance to comply with the requirements of this part may result in supervisory action by FHFA. Such action may be taken in the form determined appropriate by the Director and may be taken separately from, in conjunction with, or in addition to any other corrective or remedial action, including an enforcement action to require an individual to make restitution to or reimbursement of excessive compensation or inappropriately paid termination benefits.

### CHAPTER XVII—OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### PART 1770—[REMOVED]

2. Remove part 1770.

May 29, 2009.

**James B. Lockhart III,**

*Director, Federal Housing Finance Agency.*

[FR Doc. E9-13117 Filed 6-4-09; 8:45 am]

BILLING CODE P

### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-0509; Directorate Identifier 2009-CE-029-AD]

RIN 2120-AA64

#### Airworthiness Directives; PILATUS Aircraft Ltd. Model PC-7 Airplanes

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

This Airworthiness Directive (AD) is prompted due to reported corrosion on the

bolts and in the bores of the attachment fittings for the engine mounting frame. The corrosion is caused by damaged cadmium plating of the bolts or damaged surface finish of the attachment fitting.

Such a condition, if left uncorrected, could lead to crack initiation at the bolt and the fitting bore and subsequently to the failure of the engine attachment fitting.

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 July 6, 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 W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### 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 this proposed AD, 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.

#### FOR FURTHER INFORMATION CONTACT:

Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; fax: (816) 329-4090.

#### 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-2009-0509; Directorate Identifier 2009-CE-029-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 because of 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 Federal Office of Civil Aviation (FOCA), which is the aviation authority for Switzerland, has issued FOCA AD HB-2009-004, dated May 12, 2009 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

This Airworthiness Directive (AD) is prompted due to reported corrosion on the bolts and in the bores of the attachment fittings for the engine mounting frame. The corrosion is caused by damaged cadmium plating of the bolts or damaged surface finish of the attachment fitting.

Such a condition, if left uncorrected, could lead to crack initiation at the bolt and the fitting bore and subsequently to the failure of the engine attachment fitting.

In order to correct and control the situation, this AD requires a visual inspection of the relevant bolts and fittings. Additionally, the replacement of the bolts is required.

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

#### Relevant Service Information

PILATUS Aircraft Ltd. has issued Pilatus PC-7 Service Bulletin No. 53-006, dated November 17, 2008, and Pilatus PC-7 Maintenance Manual Chapter 05-10-20, page 4, dated November 30, 2008. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### FAA's Determination and Requirements of the 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 this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Differences Between This Proposed 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

We estimate that this proposed AD will affect 10 products of U.S. registry. We also estimate that it would take about 4.5 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Required parts would cost about \$300 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$6,600, or \$660 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:

**PILATUS Aircraft Ltd.:** Docket No. FAA–2009–0509; Directorate Identifier 2009–CE–029–AD.

#### Comments Due Date

- (a) We must receive comments by July 6, 2009.

#### Affected ADs

- (b) None.

#### Applicability

- (c) This AD applies to PC–7 airplanes, all manufacturer serial numbers, certificated in any category.

#### Subject

- (d) Air Transport Association of America (ATA) Code 53: Fuselage.

#### Reason

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

This Airworthiness Directive (AD) is prompted due to reported corrosion on the bolts and in the bores of the attachment fittings for the engine mounting frame. The corrosion is caused by damaged cadmium plating of the bolts or damaged surface finish of the attachment fitting.

Such a condition, if left uncorrected, could lead to crack initiation at the bolt and the fitting bore and subsequently to the failure of the engine attachment fitting.

In order to correct and control the situation, this AD requires a visual inspection of the relevant bolts and fittings.

Additionally, the replacement of the bolts is required.

#### Actions and Compliance

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

- (1) Visually inspect the bolts and the bores (with boroscope) of the attachment fittings for the engine mounting frame following paragraph 3.A of PILATUS Aircraft Ltd. Pilatus PC–7 Service Bulletin No. 53–006, dated November 17, 2008, at whichever of the following occurs later:

- (i) Upon accumulating 5,000 hours total time-in-service (TIS) or 5 years from the date of manufacture, whichever occurs first; or
- (ii) Within the next 6 months after the effective date of this AD.

- (2) If no sign of corrosion is found during the inspection required in paragraph (f)(1) of this AD, before further flight, replace the bolts. Repetitively inspect thereafter at intervals not to exceed every 5 years following PILATUS Aircraft Ltd. Pilatus PC–7 Maintenance Manual Chapter 05–10–20, page 4, dated November 30, 2008.

- (3) If any sign of corrosion is found during any of the inspections required in paragraphs (f)(1) and (f)(2) of this AD, before further flight, do the corrective actions following paragraph 3.A. of PILATUS Aircraft Ltd. Pilatus PC–7 Service Bulletin No. 53–006, dated November 17, 2008. Repetitively inspect thereafter at intervals not to exceed every 5 years following PILATUS Aircraft Ltd. Pilatus PC–7 Maintenance Manual Chapter 05–10–20, page 4, dated November 30, 2008.

#### 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: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; 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 FOCA AD HB–2009–004, dated May 12, 2009; PILATUS Aircraft Ltd. Pilatus PC–7 Service Bulletin No. 53–006, dated November 17, 2008; and Pilatus PC–7 Maintenance Manual Chapter 05–10–20, page 4, dated November 30, 2008, for related information.

Issued in Kansas City, Missouri, on May 29, 2009.

**Scott A. Horn,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E9–13139 Filed 6–4–09; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF THE TREASURY

### 31 CFR Part 103

RIN 1506–AA93

#### Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations; Defining Mutual Funds as Financial Institutions

**AGENCY:** Financial Crimes Enforcement Network ("FinCEN"), Treasury.

**ACTION:** Notice of proposed rulemaking and request for comments.

**SUMMARY:** FinCEN is proposing to include mutual funds within the general definition of "financial institution" in rules implementing the Bank Secrecy Act ("BSA"). The proposal would subject mutual funds to rules under the BSA on the filing of Currency Transaction Reports ("CTRs") and on the creation, retention, and transmittal of records or information for transmittals of funds.

**DATES:** Written comments on all aspects of this notice are welcome and must be received on or before September 3, 2009.

**ADDRESSES:** Those submitting comments are encouraged to do so via the Internet. Comments submitted via the Internet may be submitted at <http://www.regulations.gov/search/index.jsp> with the caption in the body of the text, Attention: Comment Request; Defining Mutual Funds as Financial Institutions. Comments also may be submitted by written mail to: Financial Crimes Enforcement Network, Department of the Treasury, P.O. Box 39, Vienna, VA 22183, Attention: Comment Request; Defining Mutual Funds as Financial Institutions. Please submit comments by one method only. All comments submitted in response to this notice of proposed rulemaking will become a