

34. In § 16.247, revise paragraphs (a), (b)(2), and (b)(4) to read as follows:

**§ 16.247 Judicial review of a final decision and order.**

(a) A person may seek judicial review, in a United States Court of Appeals, of a final decision and order of the Associate Administrator, and of an order of dismissal with prejudice issued by the Director, as provided in 49 U.S.C. 46110 or section 519(b)(4) of the Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. 47106(d) and 47111(d). A party seeking judicial review shall file a petition for review with the Court not later than 60 days after the order has been served on the party or within 60 days after the entry of an order under 49 U.S.C. 40101 *et seq.*

(b) \* \* \*

(2) A Director's Determination;

\* \* \* \* \*

(4) A Director's Determination or an initial decision of a hearing officer that becomes the final decision of the Associate Administrator because it was not appealed within the applicable time periods provided under §§ 16.33(c) and 16.241(b).

**§ 16.301 [Removed]**

35. Remove § 16.301 from newly redesignated subpart H.

**§§ 16.303, 16.305, and 16.307 [Redesignated as §§ 16.301, 16.303, and 16.305]**

36. In newly redesignated subpart H, redesignate §§ 16.303, 16.305, and 16.307 as §§ 16.301, 16.303, and 16.305, respectively.

Issued in Washington, DC, on February 22, 2012.

**Daphne A. Fuller,**

*Manager, Airports and Environmental Law Division.*

[FR Doc. 2012-4993 Filed 3-2-12; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2010-0480; Directorate Identifier 2010-NM-035-AD]

**RIN 2120-AA64**

**Airworthiness Directives; The Boeing Company Airplanes**

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

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

**SUMMARY:** We are revising an earlier proposed airworthiness directive (AD) for certain The Boeing Company Model 747-400 and 747-400D series airplanes. That NPRM proposed installing aluminum gutter reinforcing brackets to the forward and aft drip shield gutters of the main equipment center (MEC); and adding a reinforcing fiberglass overcoat to the top surface of the MEC drip shield, including an inspection for cracking and holes in the MEC drip shield, and corrective actions if necessary. That NPRM also provided for an option to install an MEC drip shield drain system, which, if accomplished, would extend the compliance time for adding the reinforcing fiberglass overcoat to the top surface of the MEC drip shield. That NPRM was prompted by a report of a multi-power system loss in flight of #1, #2, and #3 alternating current electrical power systems located in the MEC. This action revises that NPRM by revising the locating dimensions of the brackets and changing the routing of the forward drain tubes. We are proposing this supplemental NPRM to prevent water penetration into the MEC, which could result in the loss of flight critical systems. Since these actions impose an additional burden over that proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

**DATES:** We must receive comments on this supplemental NPRM by April 19, 2012.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, 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.

For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; email [me.boecom@boeing.com](mailto:me.boecom@boeing.com); Internet

<https://www.myboeingfleet.com>. 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.

**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 (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Francis Smith, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM-150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057-3356; phone: 425-917-6596; fax: 425-917-6590; email: [francis.smith@faa.gov](mailto:francis.smith@faa.gov).

**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-2010-0480; Directorate Identifier 2010-NM-035-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**

We issued an NPRM to amend 14 CFR part 39 to include an AD that would apply to Model 747-400 and 747-400D series airplanes. That NPRM was published in the **Federal Register** on May 19, 2010 (75 FR 27966). That NPRM proposed to require installing aluminum gutter reinforcing brackets to

the forward and aft drip shield gutters of the MEC; and adding a reinforcing fiberglass overcoat to the top surface of the MEC drip shield, including an inspection for cracking and holes in the MEC drip shield, and corrective actions if necessary. That NPRM also provided for an option to install an MEC drip shield drain system, which, if accomplished, would extend the compliance time for adding the reinforcing fiberglass overcoat to the top surface of the MEC drip shield.

**Actions Since Previous NPRM (75 FR 27966, May 19, 2010) Was Issued**

Since we issued the previous NPRM (75 FR 27966, May 19, 2010), difficulties were found in accessing areas for repair due to a service bulletin error. We have determined that changing the locating dimensions of support brackets and re-routing the forward drain tubes are necessary due to interference with an existing pitot/static shroud.

**Comments**

We gave the public the opportunity to comment on the previous NPRM (75 FR 27966, May 19, 2010). The following presents the comments received on the NPRM and the FAA’s response to each comment.

**Request To Reference Revised Service Information**

Boeing requested that we refer to Boeing Alert Service Bulletin 747–25A3555, Revision 1, dated July 27, 2011, which includes steps to take into account an interference issue found during part installation.

We agree to update the references in this supplemental NPRM to Boeing Alert Service Bulletin 747–25A3555, Revision 1, dated July 27, 2011. (The previous NPRM (75 FR 27966, May 19, 2010) refers to Boeing Alert Service Bulletin 747–25A3555, dated November 4, 2009.) Paragraphs (c) and (g) of this supplemental NPRM have been updated to refer to Boeing Alert Service Bulletin 747–25A3555, Revision 1, dated July 27, 2011. Boeing Alert Service Bulletin 747–25A3555, Revision 1, dated July 27, 2011, revises the locating dimensions of the brackets and changes the routing of

the forward drain tubes due to difficulties in accessing areas for repair. It also revises the airplane groups.

**Request To Remove Parts Installed During Interim Action**

Delta Air Lines requested provisions in the previous NPRM (75 FR 27966, May 19, 2010) to electively remove the stanchions, fittings, and tubing installed when doing the interim action, after completing the terminating inspection, repair, and fiberglass overlay reinforcement on the top surface of the drip shields. Delta Air Lines stated that these items add 26 pounds to the weight of the aircraft, and if the interim action is optional, it may be removed once the terminating action is implemented.

We disagree with the request. We have determined that removal of the hardware installed to the MEC area during the interim action poses concerns on the effect on the protection offered by the terminating action (overcoat layer). Removing the hardware could compromise the seals by creating disbanded seams and reopening cracks in the MEC polycarbonate casing, and could result in other damage. Although the interim action is optional, it should be considered a permanent installation once performed. It should be noted that doing both the interim and terminating actions provides two layers of water protection to the MEC, which greatly minimizes the issue of future water contamination. We have discussed this issue with Boeing. No change has been made to the supplemental NPRM in this regard.

**Request To Clarify Material Composition of MEC Drip Shield Gutter**

Boeing requested that we change the wording of paragraphs (g)(1) and (g)(2)(i) of the previous NPRM (75 FR 27966, May 19, 2010) from “MEC drip shield aluminum gutter” to “aluminum reinforcing brackets on the MEC drip shield gutter” to clarify that the original drip shield gutter is composite material and the reinforcement material is aluminum.

We agree with the request and have changed paragraphs (g)(1) and (g)(2)(i) of this supplemental NPRM accordingly.

**Request To Change Parts Costs**

Boeing requested that we revise the previous NPRM (75 FR 27966, May 19, 2010) to change the parts costs associated with installing the brackets and adding the overcoat. Boeing stated that the parts costs for the aluminum reinforcing bracket kit is \$2,408 instead of “none” as specified in the previous NPRM. Boeing also stated that the parts costs for the fiberglass reinforcement is \$1,731 (3 panels × \$577/panel) plus the cost of fiberglass, resin, and repair materials for cracks and holes in the drip shield instead of “none” as mentioned in the previous NPRM.

We agree with the request and have changed the “Estimated costs” table of this AD accordingly. However, because the costs for parts required for bracket installation depends on the work package, we have stated the cost as “Up to \$2,408” in the “Estimated costs” table of this supplemental NPRM.

**FAA’s Determination**

We are proposing this supplemental NPRM because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design. Certain changes described above expand the scope of the original NPRM (75 FR 27966, May 19, 2010). As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this supplemental NPRM.

**Proposed Requirements of the Supplemental NPRM**

This supplemental NPRM would require accomplishing the actions specified in Boeing Alert Service Bulletin 747–25A3555, Revision 1, dated July 27, 2011, as described previously.

**Costs of Compliance**

We estimate that this proposed AD affects 71 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Install Brackets .....	19 work-hours × \$85 per hour = \$1,615 ....	Up to \$2,408 <sup>1</sup> ..	Up to \$4,023 <sup>1</sup> ..	Up to \$285,633. <sup>1</sup>
Add Overcoat .....	63 work hours × \$85 per hour = \$5,355 (\$577 × 3).	\$1,731 .....	\$7,086 .....	\$503,106.

## ESTIMATED COSTS—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Install Optional MEC Drip Shield Drain System.	22 work hours × \$85 per hour = \$1,870 ....	Up to \$8,982 <sup>1</sup> ..	Up to \$10,852 <sup>1</sup>	Up to \$770,492. <sup>1</sup>

<sup>1</sup> Depending on work package.

### 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),

(3) Will not affect intrastate aviation in Alaska, 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.

### 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 airworthiness directive (AD):

**The Boeing Company:** Docket No. FAA–2010–0480; Directorate Identifier 2010–NM–035–AD.

##### (a) Comments Due Date

We must receive comments by April 19, 2012.

##### (b) Affected ADs

None.

##### (c) Applicability

This AD applies to The Boeing Company Model 747–400 and 747–400D series airplanes; certificated in any category; as identified in Boeing Alert Service Bulletin 747–25A3555, Revision 1, dated July 27, 2011.

##### (d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 25, Equipment/Furnishings.

##### (e) Unsafe Condition

This AD was prompted by a report of a multi-power system loss in flight of #1, #2, and #3 alternating current electrical power systems located in the main equipment center (MEC). We are issuing this AD to prevent water penetration into the MEC, which could result in loss of flight critical systems.

##### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

##### (g) Modification

Do the actions specified in either paragraph (g)(1) or (g)(2) of this AD.

(1) Within 24 months after the effective date of this AD, install aluminum reinforcing brackets on the MEC drip shield gutter, in accordance with Work Package 1 of the Accomplishment Instructions of Boeing Alert

Service Bulletin 747–25A3555, Revision 1, dated July 27, 2011; and add a reinforcing fiberglass overcoat to the top surface of the MEC drip shield, including doing a general visual inspection for cracking and holes in the top surface of the MEC drip shield, and doing all applicable corrective actions, in accordance with Work Package 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–25A3555, Revision 1, dated July 27, 2011. Do all applicable corrective actions before further flight after doing the general visual inspection.

(2) Do the actions specified in paragraphs (g)(2)(i) and (g)(2)(ii) of this AD.

(i) Within 24 months after the effective date of this AD, install aluminum reinforcing brackets on the MEC drip shield gutter, in accordance with Work Package 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–25A3555, Revision 1, dated July 27, 2011; and install a MEC drip shield drain system, in accordance with Work Package 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–25A3555, Revision 1, dated July 27, 2011.

(ii) Within 96 months after the effective date of this AD, add a reinforcing fiberglass overcoat to the top surface of the MEC drip shield, including doing a general visual inspection for cracking and holes in the top surface of the MEC drip shield, and doing all applicable corrective actions, in accordance with Work Package 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–25A3555, Revision 1, dated July 27, 2011. Do all applicable corrective actions before further flight after doing the general visual inspection.

##### (h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

##### (i) Related Information

(1) For more information about this AD, contact Francis Smith, Aerospace Engineer, Cabin Safety and Environmental Systems

Branch, ANM-150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057-3356; phone: 425-917-6596; fax: 425-917-6590; email: [francis.smith@faa.gov](mailto:francis.smith@faa.gov).

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; email [me.boecom@boeing.com](mailto:me.boecom@boeing.com); Internet <https://www.myboeingfleet.com>. 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.

Issued in Renton, Washington, on February 24, 2012.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012-5180 Filed 3-2-12; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network

#### 31 CFR Chapter X

#### RIN 1506-AB15

### Customer Due Diligence Requirements for Financial Institutions

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

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** FinCEN, after consulting with staffs of various Federal supervisory authorities, is issuing this advance notice of proposed rulemaking (ANPRM) to solicit public comment on a wide range of questions pertaining to the development of a customer due diligence (CDD) regulation that would codify, clarify, consolidate, and strengthen existing CDD regulatory requirements and supervisory expectations, and establish a categorical requirement for financial institutions to identify beneficial ownership of their accountholders, subject to risk-based verification and pursuant to an alternative definition of beneficial ownership as described below.

**DATES:** Written comments on this ANPRM must be received on or before May 4, 2012.

**ADDRESSES:** Comments may be submitted, identified by Regulatory Identification Number (RIN) 1506-AB15, by any of the following methods:

- *Federal E-rulemaking Portal:* <http://www.regulations.gov>. Follow the

instructions for submitting comments. Include RIN 1506-AB15 in the submission. Refer to Docket Number FINCEN-2012-0001.

- *Mail:* FinCEN, P.O. Box 39, Vienna, VA 22183. Include 1506-AB15 in the body of the text.

Please submit comments by one method only. All comments submitted in response to this ANPRM will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

*Inspection of comments:* Comments may be inspected, between 10 a.m. and 4 p.m., in the FinCEN reading room in Vienna, VA. Persons wishing to inspect the comments submitted must request an appointment with the Disclosure Officer by telephoning (703) 905-5034 (not a toll free call). In general, FinCEN will make all comments publicly available by posting them on <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

*FinCEN:* Regulatory Policy and Programs Division, Financial Crimes Enforcement Network, (800) 949-2732 and select option 6.

#### SUPPLEMENTARY INFORMATION:

##### I. Scope of ANPRM

The scope of this ANPRM includes all of the industries that have anti-money laundering (AML) program requirements under FinCEN's regulations. At this time, and as an initial matter, FinCEN is considering developing a CDD rule to cover banks, brokers or dealers in securities, mutual funds, futures commission merchants, and introducing brokers in commodities; accordingly, this ANPRM is focused primarily on these institutions. However, FinCEN believes that a CDD rule may be appropriate for all financial institutions subject to FinCEN's regulations, and will consider extending such a rule to such other financial institutions in the future.

Therefore, in addition to focusing on input from those types of institutions that would be subject to an initial rulemaking, FinCEN is also specifically requesting comment from other institutions, such as money services businesses (including providers of prepaid access), insurance companies, casinos, dealers in precious metals, stones and jewels, non-bank mortgage lenders or originators, and other entities under FinCEN's regulations, in particular regarding issues related to identification and verification of customers as discussed in Section IV A. of this ANPRM. While these institutions currently are not mandated to obtain the minimum mandatory information

required to identify customers as is mandated in regulations pertaining to depository institutions, brokers or dealers, and others described above, in some cases they still must, on a risk-based approach, obtain all relevant and appropriate customer-related information necessary to administer an effective anti-money laundering program.<sup>1</sup>

## II. Background

FinCEN exercises regulatory functions primarily under the Currency and Financial Transactions Reporting Act of 1970, as amended by the USA PATRIOT Act of 2001 (the Act) and other legislation, which legislative framework is commonly referred to as the "Bank Secrecy Act" (BSA),<sup>2</sup> which authorizes the Secretary of the Treasury (Secretary) to require financial institutions to keep records and file reports that "have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism."<sup>3</sup> The Secretary has delegated to the Director of FinCEN the authority to implement, administer and enforce compliance with the BSA and associated regulations.<sup>4</sup> FinCEN is authorized to impose AML program requirements on financial institutions,<sup>5</sup> as well as to require financial institutions to maintain procedures to ensure compliance with the BSA and FinCEN's implementing regulations or guard against money laundering.<sup>6</sup>

As reflected in recent guidance and enforcement actions, the cornerstone of a strong BSA/AML compliance program is the adoption and implementation of internal controls, which include comprehensive CDD policies, procedures, and processes for all customers, particularly those that present a high risk for money laundering or terrorist financing.<sup>7</sup> As

<sup>1</sup> See, e.g., "Anti-Money Laundering Programs for Insurance Companies," 31 CFR 1025.210(b)(1).

<sup>2</sup> The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, 18 U.S.C. 1956, 1957, and 1960, and 31 U.S.C. 5311-5314 and 5316-5332 and notes thereto, with implementing regulations at 31 CFR Chapter X. See 31 CFR 1010.100(e).

<sup>3</sup> 31 U.S.C. 5311.

<sup>4</sup> Treasury Order 180-01 (Sept. 26, 2002).

<sup>5</sup> 31 U.S.C. 5318(h)(2).

<sup>6</sup> 31 U.S.C. 5318(a)(2).

<sup>7</sup> FIN-2010-G001, "Guidance on Obtaining and Retaining Beneficial Ownership Information, March 5, 2010, p.1 ("Beneficial Ownership Guidance"). See also Federal Financial Institution Examination Council Bank Secrecy Act Anti-Money Laundering Examination Manual (2010) ("FFIEC Manual"), available at: [http://www.ffiec.gov/bsa\\_aml\\_infobase/documents/BSA\\_AML\\_Man\\_2010.pdf](http://www.ffiec.gov/bsa_aml_infobase/documents/BSA_AML_Man_2010.pdf); Financial Industry