

U.S. Code citation	CMP description	New maximum amount
12 U.S.C. 3349(b)	Appraisals Violation—2nd Tier	37,500
12 U.S.C. 3349(b)	Appraisals Violation—3rd Tier	1,375,000
42 U.S.C. 4012a(f)	Flood Insurance	¹ 385
		² 135,000

¹ Per day.² Per year.

Dated: October 20, 2008.

By the Office of Thrift Supervision.

John M. Reich,
Director.

[FR Doc. E8–25453 Filed 10–24–08; 8:45 am]

BILLING CODE 6720–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 140

RIN 3245–AF72

Debt Collection; Clarification of Administrative Wage Garnishment Regulation and Reassignment of Hearing Official

AGENCY: Small Business Administration.

ACTION: Direct final rule.

SUMMARY: The U.S. Small Business Administration (SBA) is amending its Debt Collection regulations by clarifying terminology within the regulation and streamlining administrative wage garnishment hearing procedures. These modifications are few in number and result in revisions to the definition of terms and the process by which a debtor requests a hearing regarding administrative wage garnishment.

SBA believes that this rule is routine and noncontroversial, and the Agency anticipates no significant adverse comment. If SBA receives a significant adverse comment, it will withdraw the rule.

DATES: This rule is effective December 11, 2008, without further action, unless SBA receives a significant adverse comment by November 26, 2008. If SBA receives any significant adverse comments, the Agency will publish a timely withdrawal of this rule in the *Federal Register*.

ADDRESSES: You may submit comments, identified by RIN: 3245–AF72, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting documents.

- *Mail, for paper, disk, or CD-ROM submissions:* Walter C. Intlekofer, Chief, Portfolio Management Division, 409 Third Street, SW., Mail Code 7024, Washington, DC 20416.

- *Hand Delivery/Courier:* Walter C. Intlekofer, Chief, Portfolio Management Division, 409 Third Street, SW., Mail Code 7024, Washington, DC 20416.

SBA will post all comments on <http://www.regulations.gov>. If you wish to submit confidential business information (CBI) as defined in the User Notice at <http://www.regulations.gov>, please submit the information to Walter C. Intlekofer, Chief, Portfolio Management Division, 409 Third Street, SW., Mail Code 7024, Washington, DC 20416, or send an e-mail to walter.intlekofer@sba.gov. Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make its final determination of whether it will publish the information or not.

FOR FURTHER INFORMATION CONTACT:

Walter C. Intlekofer, Chief, Portfolio Management Division, 409 Third Street, SW., Mail Code 7024, Washington, DC 20416, (202) 205–7543 or walter.intlekofer@sba.gov.

SUPPLEMENTARY INFORMATION: SBA regulations at 13 CFR 140.11 set forth the scope and processes by which SBA may institute administrative wage garnishment (“AWG”) against individuals in the collection of debts, as well as the process by which an individual may contest AWG. These regulations were promulgated in conjunction with U.S. Department of Treasury regulations concerning AWG. The process of AWG is implemented by Treasury on behalf of SBA through Treasury’s debt cross-servicing program (in which Treasury pursues debts on behalf of SBA). Under the current § 140.11, debtors subject to AWG may request a hearing with SBA’s Office of Hearings and Appeals (“OHA”) to contest the existence or amount of the debt, or the terms of repayment.

On implementation of AWG through the cross-servicing program, SBA became aware of certain issues regarding hearings requested by debtors regarding their AWG. First, § 140.11(d) and (e) refer to the authority of SBA to initiate AWG against its debtors and states that “SBA will send a written notice” of the AWG to the debtor.

However, through cross-servicing, it is Treasury and its private contractors, not SBA, who initiate AWG on SBA’s behalf, by sending the written notice. Thus, since § 140.11 was implemented in part to implement cross-servicing, it has become necessary to clarify the terminology throughout § 140.11 to make clear that not only SBA, but also public and private entities pursuing debt on SBA’s behalf, may implement AWG against SBA’s debtors.

This purpose is accomplished by redefining the term “Agency” in § 140.11, to include not only SBA, but also public and private entities that pursue debt on SBA’s behalf. Thereafter, all other references throughout § 140.11 to “SBA” performing functions related to the implementation of AWG are changed to the “Agency” performing those functions, to make clear that not only SBA, but also public and private entities pursuing debt on SBA’s behalf, may perform those functions under the regulation.

The second issue that arose on the implementation of AWG through the cross-servicing program relates to the hearing process itself. Under the current regulation, debtors who wish to contest the existence or amount of their debt, or the terms of repayment, must file for a hearing with an Administrative Judge at OHA, who is SBA’s currently designated hearing official for SBA under § 140.11. Thereafter, those hearings are governed by the procedural rules set forth at Part 134 of Title 13 of the CFR. OHA procedures include full administrative litigation, with formal filings, deadlines, and motion practice. Additionally, SBA and Treasury discovered that the process of providing notice to debtors of their rights to request a hearing necessitated lengthy descriptions of the debtor’s rights and duties to be transmitted with the notice of AWG.

Thus, OHA and SBA’s Office of Financial Assistance have determined that by removing OHA’s Administrative Judges and OHA procedures from the AWG hearing process, that process can be greatly simplified for not only debtors subject to AWG, but also to SBA. This purpose is accomplished by replacing references to OHA and the

Administrative Judge in § 140.11 with a “hearing official,” the definition of which, at § 140.11(f)(6), will be amended to replace “Judge” with “qualified official designated in the pre-garnishment notice.” Further, § 140.11(f)(1) will be amended to remove the reference to OHA regulations and be replaced with language stating that the entirety of the hearing procedures are contained within § 140.11.

These changes will bring § 140.11 more closely in line with Treasury’s AWG and cross-servicing regulations at 31 CFR 285.11 and 285.12, upon which § 140.11 is based and which do not contemplate any additional hearing procedures than those that exist at 31 CFR 285.11 (such as the OHA at 13 CFR 134, incorporated into § 140.11).

Consideration of Comments

This is a direct final rule, and SBA will review all comments. SBA believes that this rule is routine and noncontroversial, and SBA anticipates no significant adverse comments to this rulemaking. If SBA receives any significant adverse comments, it will publish a timely withdrawal of this direct final rule.

Compliance With Executive Orders 12866, 12988, and 13132, the Paperwork Reduction Act (44 U.S.C. Ch. 35) and the Regulatory Flexibility Act (5 U.S.C. 601–612)

OMB has determined that this direct final rule is not a “significant” regulatory action for purposes of Executive Order (E.O.) 12866. This direct final rule results in changes to nomenclature and hearing procedure.

For purposes of E.O. 12988, SBA has determined that this rule is drafted, to the extent practicable, under the standards established in that order.

For purposes of E.O. 13132, SBA has determined that this rule does not have any federalism implications warranting the preparation of a Federalism Assessment.

For purposes of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA has determined that this rule does not impose any new reporting or recordkeeping requirements.

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601, requires administrative agencies to consider the effect of their actions on small entities, including small businesses. Pursuant to the RFA, when an agency issues a rule, the agency must prepare an analysis to determine whether the impact of the rule will have a significant economic impact on a substantial number of small entities. However, the RFA requires

analysis of a rule only where notice and comment rulemaking are required. Rules are exempt from Administrative Procedure Act (APA) notice and comment requirements, and therefore from the RFA requirements, when the agency for good cause finds (and incorporates the finding and brief statement of reasons in the rules issued) that notice and public procedure thereon is impracticable, unnecessary or contrary to the public interest. In this case it would be unnecessary in light of the non-controversial nature of the rule.

List of Subjects in 13 CFR Part 140

Claims, Government employees, Income taxes, Wages.

■ For the reasons set forth in the preamble, SBA amends 13 CFR Part 140 as follows:

PART 140—DEBT COLLECTION

■ 1. The authority citation for Part 140 continues to read as follows:

Authority: 5 U.S.C. 5514; 15 U.S.C. 634(b)(6); 31 U.S.C. 3711, 3716, 3720, 3720A and 3720D.

Subpart C—Administrative Wage Garnishment

§ 140.11 [Amended]

■ 2. Section 140.11 is amended as follows:

■ a. In § 140.11(c) revise the definition for the term, “Agency” to read as set forth below.

■ b. Remove the words “SBA” or “the SBA” and add, in their place, the words “the Agency,” wherever they appear in the following places:

1. § 140.11(c), in the definition for the term, *Evidence of Service*,

2. § 140.11(d),

3. § 140.11(e) heading, (e)(1) introductory text, and (e)(1)(ii),

4. § 140.11(e)(3),

5. § 140.11(f)(4),

6. § 140.11(f)(5),

7. § 140.11(f)(10),

8. § 140.11(g)(1) introductory text and (g)(1)(i),

9. § 140.11(g)(3),

10. § 140.11(h),

11. § 140.11(i)(3)(i), (ii), and (iii),

12. § 140.11(i)(4),

13. § 140.11(i)(5),

14. § 140.11(i)(7),

15. § 140.11(i)(8),

16. § 140.11(j),

17. § 140.11(k)(1), in the first sentence only,

18. § 140.11(k)(3),

19. § 140.11(l)(1) and (2),

20. § 140.11(m)

21. § 140.11(n)(1) introductory text and (n)(1)(ii), and

22. § 140.11(o).

■ c. In § 140.11(e), introductory text, remove the words “*What notice must the SBA give you before beginning an administrative wage garnishment?*” and add, in their place, the words “*Notice Requirements.*”

■ d. In § 140.11(e)(2)(iii), remove the words “at SBA’s Office of Hearings and Appeals (OHA)” and add, in their place, the words “before an SBA hearing official.”

■ e. In § 140.11(f)(1), remove the words “Unless they expressly conflict with this section, the rules of procedure governing cases before OHA apply to administrative wage garnishment hearings” and add, in their place, the words “Procedural rules for the conduct of administrative wage garnishment hearings are established in this section.”

■ f. Revise § 140.11(f)(6) to read as set forth below.

■ g. Remove the words “at OHA” and add, in their place, the words “by the Hearing Official” in the following places:

1. § 140.11(f)(4), and

2. § 140.11(f)(5).

■ h. Remove the word “Judge” and add, in its place, the words “Hearing Official” wherever they appear in the following places:

1. § 140.11(f)(3)(i), (ii), and (iii),

2. § 140.11(f)(4),

3. § 140.11(f)(5),

4. § 140.11(f)(7),

5. § 140.11(f)(9),

6. § 140.11(f)(10),

7. § 140.11(g).

■ i. Remove the word “Judge’s” and add, in its place, the words “Hearing Official’s” wherever they appear in the following places:

1. § 140.11(f)(10), and

2. § 140.11(f)(11)(ii).

■ j. Revise § 140.11(f)(12) to read as set forth below.

■ k. In § 140.11(g)(1)(ii), remove the words “the Judge renders a final decision” and add, in their place, the words “the final agency decision.”

The revisions read as follows:

§ 140.11 What type of debt is subject to administrative wage garnishment, and how can SBA administratively garnish your pay?

* * * * *

(c) * * *

Agency means the SBA or any entity, public or private, that pursues recovery of the debt on SBA’s behalf.

* * * * *

(f) * * *

(6) *Hearing official*. A hearing official may be any qualified individual designated in the pre-garnishment notice.

* * * * *

(12) *Final agency action.* The decision of the hearing official is the final agency decision for the purposes of judicial review under the Administrative Procedure Act (5 U.S.C. 701 *et seq.*).

* * * * *

Sandy K. Baruah,

Acting Administrator.

[FR Doc. E8-25324 Filed 10-24-08; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2008-0808; Directorate Identifier 2008-NE-18-AD; Amendment 39-15712; AD 2008-22-16]

RIN 2120-AA64

Airworthiness Directives; General Electric Company (GE) CT58 Series Turboshaft Engines

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain GE CT58 series turboshaft engines. This AD requires recalculating the lives of certain part numbered compressor spools using a new repetitive heavy lift (RHL) multiplying factor. This AD results from reports of cracks originating from the inner faces of the locking screw holes in the compressor spool. We are issuing this AD to prevent cracks due to RHL missions. Cracks could result in an uncontained rotor burst and damage to, or loss of, the helicopter and serious injuries to any person onboard.

DATES: This AD becomes effective December 1, 2008.

ADDRESSES: You can get the service information identified in this AD from GE Aircraft Engines Customer Support Center, M/D 285, 1 Neumann Way, Evendale, OH 45215; telephone (513) 552-3272; fax (513) 552-3329; e-mail GEAE.csc@ae.ge.com.

The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

FOR FURTHER INFORMATION CONTACT: Christopher J. Richards, Aerospace Engineer, Engine Certification Office, FAA, Engine & 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: The FAA proposed to amend 14 CFR part 39 with a proposed AD. The proposed AD applies to certain GE CT58 series turboshaft engines. We published the proposed AD in the **Federal Register** on July 23, 2008 (73 FR 42724). That action proposed to require recalculating the cycles on certain compressor spools using new RHL mission multipliers within 30 days after the effective date of the proposed AD.

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, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

Comments

We provided the public the opportunity to participate in the development of this AD. We received no comments on the proposal or on the determination of the cost to the public.

Conclusion

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

Costs of Compliance

We estimate that this proposed AD will affect 89 engines installed on helicopters of U.S. registry. We also estimate that it will take about 0.5 work-hour per engine to perform the proposed actions, and that the average labor rate is \$80 per work-hour. Prorated life lost for the compressor spools will cost about \$16,972 per engine. Based on these figures, we estimate the total cost of this AD to U.S. operators to be \$1,514,068.

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 have 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 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); 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 summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration 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:

2008-22-16 General Electric Company (GE): Amendment 39-15712. Docket No. FAA-2008-0808; Directorate Identifier 2008-NE-18-AD.