

property tax systems and how specific information about the PACE financing obligation is distinguished from other real property tax obligations in the tax system. Who monitors repayment of the PACE financing?

19. To the extent not addressed above, please describe the role of State and local governments in PACE financing programs or individual PACE financing transactions following origination. Please identify any State or local government entities with regulatory or oversight authority over PACE financing or industry participants.

20. Please describe any financial costs to consumers that may be associated with PACE financing transactions, including, for example, costs resulting from interest, points, fees, or penalties. How do costs for home improvement projects financed using PACE financing compare to costs for comparable projects financed through other means?

21. Please describe any cost savings associated with home improvement projects funded with PACE financing, including, for example, utility savings or tax credits authorized under State or Federal law for PACE-eligible projects. Are projected savings calculated before PACE financing contracts are executed? If so, how, and over what period of time? Are actual savings tracked, and, if so, how do they compare with the projections?

22. In general, does the addition of PACE financing affect consumers' ability to meet their financial obligations? Please describe any such effects and why they may occur.

23. Please provide information about the liens associated with PACE financing. How do they differ from liens securing other property tax obligations that may encumber residential real property? Do PACE financing liens arise by operation of law or contract?

24. Please provide information about the treatment of PACE financing obligations by servicers of mortgage loans responsible for servicing mortgages that were placed on the property before the PACE financing encumbrance. For example, do mortgage servicers typically administer PACE financing obligations through escrow accounts? Please describe the relevant processes and any effects on the mortgage servicer or the consumer. How quickly after PACE assessments are added do mortgage servicers learn about the increase to the consumer's property tax bill? How quickly do mortgage servicers adjust consumers' escrow payments, where applicable, to reflect the change?

25. To the extent not already addressed, please provide any

additional information about the unique nature of PACE financing, how the Bureau's regulations should account for the unique nature, and any risks or benefits to consumers or industry participants attributable to the unique nature.

#### V. Potential Implications of Regulating PACE Financing Under TILA

As described above, EGRRCPA section 307 requires the Bureau to issue regulations applying TILA's ATR and general civil liability provisions (as implemented through Regulation Z) to PACE financing, accounting for the unique nature of PACE financing. In this category of questions, the Bureau solicits information relating to how the existing TILA and Regulation Z provisions could be applied to PACE financing to implement EGRRCPA section 307. This information will assist the Bureau in developing a proposed rule adapting existing TILA and Regulation Z standards in light of potential impacts on consumers and industry and any implementation challenges specific to PACE financing.

26. If existing ATR requirements in TILA and Regulation Z were to apply to PACE financing transactions, please describe any likely effects on State and local governments or bond-issuing authorities.

27. Please describe any likely effects of such application on consumers or PACE financing industry participants.

28. If applied to PACE financing transactions, which specific ATR provisions under TILA and Regulation Z, if any, would conflict with existing State or local legal requirements, and how? What steps could the Bureau take to mitigate those conflicts?

29. Which specific ATR provisions under TILA and Regulation Z would be difficult for market participants to apply to current PACE financing origination practices, bond processes, or laws and practices implicating real property tax systems, and why would they be difficult to apply?

30. Which specific ATR provisions under TILA and Regulation Z, if any, would be beneficial for consumers, and how? Which, if any, would not provide consumer benefits, and why not?

31. How could TILA's existing ATR requirements be tailored to account for the unique nature of PACE financing? Are there unique aspects of PACE financing that are relevant to whether and how the existing ATR requirements should apply, including the documentation and verification requirements or the specific information required as part of the analysis?

32. As described above, EGRRCPA section 307 requires the Bureau to apply TILA section 130 to violations of the ATR requirements that the Bureau will prescribe for PACE financing. Please provide your views on any likely impacts on consumers or PACE financing market participants of applying TILA section 130. Please describe any other concerns associated with applying TILA liability to PACE financing, including but not limited to TILA section 130.

33. Please share your views on whether the Bureau should address the application of TILA and Regulation Z provisions other than the ATR requirements to PACE financing, including any potential impacts on consumers, industry, or other stakeholders that may result from any such application.

34. Please share any other comments or concerns about implementing EGRRCPA section 307 under TILA and Regulation Z.

Dated: March 4, 2019.

**Kathleen L. Kraninger,**  
*Director, Bureau of Consumer Financial Protection.*

[FR Doc. 2019-04177 Filed 3-7-19; 8:45 am]

**BILLING CODE 4810-AM-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2019-0117; Product Identifier 2018-NM-169-AD]

RIN 2120-AA64

#### **Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

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**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all 328 Support Services GmbH Model 328-100 airplanes. This proposed AD was prompted by a report indicating that undetected cracks may develop at the roll spoiler bearing arms. This proposed AD would require a one-time non-destructive test (NDT) inspection for cracks in the roll spoiler bearing arms and, if necessary, corrective actions. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by April 22, 2019.

**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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact 328 Support Services GmbH, Global Support Center, P.O. Box 1252, D-82231 Wessling, Federal Republic of Germany; telephone +49 8153 88111 6666; fax +49 8153 88111 6565; email [gsc.op@328support.de](mailto:gsc.op@328support.de); internet <http://www.328support.de>. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

**Examining the AD Docket**

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0117; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Todd Thompson, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3228.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to send any written relevant data, views, or arguments about

this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2019-0117; Product Identifier 2018-NM-169-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM 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 NPRM.

**Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2018-0254, dated November 23, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all 328 Support Services GmbH Model 328-100 airplanes. The MCAI states:

Dornier 328 Maintenance Review Board Report provides instructions for a detailed inspection for the roll spoilers, including the bearing arms, by eddy current [EC] method. It was reported that whilst performing Maintenance Planning Document Task 57-71-03-02-01, referring to Non-Destructive Test (NDT) Manual task 57-71-03-318-000-AA0, the stacking of 6 parts at the bearing arm No. 3 prevents detection of cracks with the given EC test settings. The NDT results are distorted by geometric features such as part edges and fastener installations. Furthermore, the access to certain areas is limited for the suggested NDT probe for geometrical reasons. The result of the technical investigation identified that undetected cracks may develop at the roll spoiler bearing arms, leading to a broken (disconnected) bearing arm No. 3, where the actuator is connected.

This condition, if not detected and corrected, could lead to a roll spoiler becoming unresponsive to flight crew control inputs, possibly resulting in loss of control of the aeroplane.

To address this potential unsafe condition, 328 SSG published the ASB [328 Support Services Alert Service Bulletin ASB-328-57-043, dated September 21, 2018] to provide appropriate inspection instructions.

For the reasons described above, this [EASA] AD requires a one-time NDT

inspection of the affected parts and, depending on findings, accomplishment of applicable corrective action(s) [repair of cracked parts].

You may examine the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0117.

**Related Service Information Under 1 CFR Part 51**

328 Support Services has issued Alert Service Bulletin ASB-328-57-043, dated September 21, 2018. This service information describes procedures for a one-time NDT inspection for cracks in the roll spoiler bearing arms. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

**FAA’s Determination**

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 the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

**Proposed Requirements of This NPRM**

This proposed AD would require accomplishing the actions specified in the service information described previously.

**Differences Between This Proposed AD and the MCAI or Service Information**

Although the MCAI and 328 Support Services Alert Service Bulletin ASB-328-57-043, dated September 21, 2018, specify to submit certain information to the manufacturer, this AD does not include that requirement.

**Costs of Compliance**

We estimate that this proposed AD affects 27 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

**ESTIMATED COSTS FOR REQUIRED ACTIONS**

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
8 work-hours × \$85 per hour = \$680 .....	\$0	\$680	\$18,360

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed 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.

This proposed AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

**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):

**328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH):** Docket No. FAA–2019–0117; Product Identifier 2018–NM–169–AD.

**(a) Comments Due Date**

We must receive comments by April 22, 2019.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to 328 Support Services GmbH (Type Certificate previously held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328–100 airplanes, certificated in any category, all serial numbers.

**(d) Subject**

Air Transport Association (ATA) of America Code 57, Wings.

**(e) Reason**

This AD was prompted by a report indicating that undetected cracks may develop at the roll spoiler bearing arms. We are issuing this AD to address cracks at the roll spoiler bearing arms, which, if not detected and corrected, could lead to a roll spoiler becoming unresponsive to flight crew control inputs, possibly resulting in loss of control of the airplane.

**(f) Compliance**

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

**(g) Definition of Affected Parts**

For the purposes of this AD, an affected part is the bearing arm of roll spoilers having part number (P/N) 001B577A1200000, 001B577A1200001, 001B577A1200002, 001B577A1200003, 001B577A1200004, or 001B577A1200005.

**(h) Inspection**

Within the compliance time specified in Figure 1 to paragraph (h) of this AD, as applicable, do a non-destructive test (NDT) inspection of each affected part in accordance with the Accomplishment Instructions of 328 Support Services Alert Service Bulletin ASB–328–57–043, dated September 21, 2018. The flight cycles (FC) specified in Figure 1 to paragraph (h) of this AD are the FC accumulated on the airplane since first flight of the airplane, unless otherwise specified.

**Figure 1 to paragraph (h) of this AD – Affected Parts Inspection**

Total FC Accumulated	Compliance Time
More than 25,000 FC	Within 2,500 FC after the effective date of this AD
25,000 FC or less	Before exceeding 25,000 total FC, or within 2,500 FC after the effective date of this AD, whichever occurs later

**(i) Corrective Action**

If any crack is found during any inspection required by paragraph (h) of this AD: Before further flight, obtain corrective actions approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or 328 Support Services GmbH's EASA Design Organization Approval (DOA); and accomplish the corrective actions within the compliance time specified therein. If approved by the DOA, the approval must include the DOA-authorized signature.

**(j) No Reporting Requirement**

Although 328 Support Services Alert Service Bulletin ASB-328-57-043, dated September 21, 2018, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

**(k) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Section, Transport Standards Branch, 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 International Section, send it to the attention of the person identified in paragraph (l)(2) of this AD. Information may be emailed to: [9-ANM-116-AMOC-REQUESTS@faa.gov](mailto:9-ANM-116-AMOC-REQUESTS@faa.gov). 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.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or 328 Support Services GmbH's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

**(l) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2018-0254, dated November 23, 2018, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0117.

(2) For more information about this AD, contact Todd Thompson, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3228.

(3) For service information identified in this AD, contact 328 Support Services GmbH, Global Support Center, P.O. Box 1252, D-82231 Wessling, Federal Republic of Germany; telephone +49 8153 88111 6666; fax +49 8153 88111 6565; email [gsc.op@328support.de](mailto:gsc.op@328support.de); internet <http://www.328support.de>. You may view this

service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

Issued in Des Moines, Washington, on February 28, 2019.

**Michael Kaszycki**,

*Acting Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2019-04144 Filed 3-7-19; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF COMMERCE****Bureau of Industry and Security****15 CFR Part 774**

[Docket No. 181010936-8936-01]

RIN 0694-AH66

**Request for Public Comments  
Regarding Review of Commerce  
Control List for Items Transferred  
From United States Munitions List  
Categories IV and XV**

**AGENCY:** Bureau of Industry and Security, Commerce.

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

**SUMMARY:** As part of its work with the National Space Council, the Bureau of Industry and Security, Department of Commerce requests public comment to inform its review of the controls implemented in recent revisions to Categories IV and XV of the United States Munitions List (USML) and the related transfer of items to the Department of Commerce's Commerce Control List (CCL). These items include launch vehicles, guided missiles, ballistic missiles, rockets, torpedoes, bombs, and mines; and spacecraft and related articles. BIS's review seeks to ensure that the CCL describes these items clearly, captures those items in normal commercial use, accounts for technological developments, and implements the national security and foreign policy objectives of the United States properly.

**DATES:** Comments must be received by BIS no later than April 22, 2019.

**ADDRESSES:** Comments may be submitted through the Federal rulemaking portal (<http://www.regulations.gov>). The [www.regulations.gov](http://www.regulations.gov) ID number for this rule is BIS-2018-0029. All comments (including any personally identifying information) will be made available for public inspection and copying.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding launch vehicles,

guided missiles, ballistic missiles, rockets, torpedoes, bombs, and mines (Export Control Classification Numbers (ECCNs) 0A604, 0B604, 0D604, 0E604, 9A604, 9B604, 9D604, and 9E604), contact Jeffrey Leitz, Senior Staff Engineer, Munitions Control Division, Office of Strategic Industries and Economic Security at (202) 482-7417 or [Jeffrey.Leitz@bis.doc.gov](mailto:Jeffrey.Leitz@bis.doc.gov). For questions regarding spacecraft and related items (ECCNs 9A515, 9B515, 9D515, and 9E515), contact Dennis Krepp, Director, Sensors and Aviation Division, Office of National Security and Technology Transfer Controls at (202) 482-1309 or [Dennis.Krepp@bis.doc.gov](mailto:Dennis.Krepp@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:****Background**

The Bureau of Industry and Security (BIS), Department of Commerce, maintains the CCL under the Export Administration Regulations (EAR). To ensure controls align with the national security and foreign policy objectives of the U.S. Government, the USML and the CCL must be regularly reviewed and updated to account for technological developments, issues related to the practical application of these controls, and changes in the military and commercial applications of items covered by the USML or by the corresponding "600 series" and 9x515 ECCNs on the CCL.

Consistent with the objectives in Space Policy Directive-2 (available at <https://www.whitehouse.gov/presidential-actions/space-policy-directive-2-streamlining-regulations-commercial-use-space/>), this Advanced Notice of Proposed Rulemaking (ANPRM), seeks public comments to inform a review of those items on the CCL implemented in connection with the recent removal of articles from Categories IV (79 FR 34, January 2, 2014) and XV (82 FR 2889, January 10, 2017) of the USML and the placement of those items on the CCL. BIS seeks to ensure the CCL includes clear descriptions, captures items in normal commercial use, takes into account technological developments, and implements the national security and foreign policy objectives of the United States properly.

In particular, BIS seeks comment on ways to thoughtfully streamline export control regulations for both the U.S. commercial space industry as well as our international partners to lower administrative burden, decrease regulatory compliance costs as well as increase exports thereby bolstering the U.S. space commercial sector and industrial base.