

will not change the penalty amount that can be imposed on these institutions. In cases where a small depository institution's assessment exceeds \$10,000, the economic impact of this final rule is limited to 1% of the assessment amount for each day of delinquency. For example, a bank with \$165 million in assets subject to a 5 basis point assessment would incur a daily penalty of less than \$200 for every day that its quarterly assessment payment was late. Additionally, over the last two years, less than 1% of the approximately 5,521 small depository institutions invoiced for deposit insurance premiums and FICO assessments each year failed to timely pay their assessment. Therefore, this final rule will not have a significant economic impact on a substantial number of small depository institutions.

#### C. Paperwork Reduction Act

No collections of information pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) are contained in the final rule.

#### D. The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Rules and Policies on Families

The FDIC has determined that the final rule does not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Pub. L. 105–277, 112 Stat. 2681).

#### E. Small Business Regulatory Enforcement Fairness Act

The Office of Management and Budget has determined that the final rule is not a “major rule” within the meaning of the relevant sections of the Small Business Regulatory Enforcement and Fairness Act of 1996 (SBREFA) (5 U.S.C. 801 *et seq.*). As required by SBREFA, the FDIC will file the appropriate reports with Congress and the General Accounting Office so that the final rule may be reviewed.

#### List of Subjects in 12 CFR Part 308

Administrative practice and procedure, Bank deposit insurance, Banks, banking, Claims, Crime, Equal access to justice, Fraud, Investigations, Lawyers, Penalties.

■ For the reasons set forth in the preamble, the FDIC hereby amends subpart H of 12 CFR 308 as follows:

### PART 308—RULES OF PRACTICE AND PROCEDURE

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

**Authority:** 5 U.S.C. 504, 554–557; 12 U.S.C. 93(b), 164, 505, 1815(e), 1817, 1818, 1820, 1828, 1829, 1829b, 1831i, 1831m(g)(4), 1831o, 1831p–1, 1832(c), 1884(b), 1972, 3102, 3108(a), 3349, 3909, 4717; 15 U.S.C. 78(h) and (i), 78o–4(c), 78o–5, 78q–1, 78s, 78u, 78u–2, 78u–3 and 78w, 6801(b), 6805(b)(1); 28 U.S.C. 2461 note; 31 U.S.C. 330, 5321; 42 U.S.C. 4012a; Sec. 3100(s), Pub. L. 104–134, 110 Stat. 1321–358.

■ 2. Revise paragraph (c)(3)(v) of section 308.132 as follows:

#### § 308.132 Assessment of penalties.

\* \* \* \* \*

(c) \* \* \*

(3) \* \* \*

(v) *Civil money penalties assessed pursuant to section 18(h) of the FDI Act for failure to timely pay assessment.*

(A) *In General.*—Subject to paragraph (c)(3)(v)(C) of this section, any insured depository institution which fails or refuses to pay any assessment shall be subject to a penalty in an amount of not more than 1 percent of the amount of the assessment due for each day that such violation continues.

(B) *Exception In Case Of Dispute.*—Paragraph (A) of this section shall not apply if—

(1) The failure to pay an assessment is due to a dispute between the insured depository institution and the Corporation over the amount of such assessment; and

(2) The insured depository institution deposits security satisfactory to the Corporation for payment upon final determination of the issue.

(C) *Special Rule For Small Assessment Amounts.*—If the amount of the assessment which an insured depository institution fails or refuses to pay is less than \$10,000 at the time of such failure or refusal, the amount of any penalty to which such institution is subject under paragraph (A) of this section shall not exceed \$100 for each day that such violation continues.

(D) *Authority To Modify Or Remit Penalty.*—The Corporation, in the sole discretion of the Corporation, may compromise, modify or remit any penalty which the Corporation may assess or has already assessed under paragraph (c)(3)(v)(A) of this section upon a finding that good cause prevented the timely payment of an assessment.

\* \* \* \* \*

Dated at Washington, DC, this 2nd day of November 2006.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E6–18804 Filed 11–8–06; 8:45 am]

BILLING CODE 6714–01–P

### SMALL BUSINESS ADMINISTRATION

#### 13 CFR Parts 101 and 123

RIN 3245–AF42

#### Administration and Disaster Loan Program

**AGENCY:** U.S. Small Business Administration (SBA).

**ACTION:** Direct final rule; correction.

**SUMMARY:** On October 31, 2006, SBA published in the **Federal Register** a direct final rule to amend SBA regulations to reflect the new structure of the Office of Disaster Assistance following an office reorganization (71 FR 63674). In the preamble to the regulation, SBA stated in the **DATES** section that this rule is effective November 30, 2006 without further action, unless adverse comment is received on or before the effective date. If adverse comment is received, SBA will publish a timely withdrawal of the rule in the **Federal Register**. SBA is correcting the **DATES** caption for this direct final rule to clarify the timeframe for public comment, and to allow sufficient time for SBA to withdraw the rule if any significant adverse comments are received.

**DATES:** Effective November 9, 2006.

**FOR FURTHER INFORMATION CONTACT:** James E. Rivera, Deputy Associate Administrator for Disaster Assistance, 409 3rd Street, SW., Washington, DC 20416; (202) 205–6734; fax (202) 205–7728; or e-mail [James.Rivera@sba.gov](mailto:James.Rivera@sba.gov).

**SUPPLEMENTARY INFORMATION:** In FR Doc. E6–18246 appearing on page 63674 in the **Federal Register** on Tuesday, October 31, 2006, the following correction is made:

On page 63674, in the third column the **DATES** heading is corrected to read as follows:

**DATES:** This rule is effective December 15, 2006 without further action, unless significant adverse comment is received by November 30, 2006. If significant adverse comment is received, SBA will publish a timely withdrawal of the rule in the **Federal Register**.

(Authority: 15 U.S.C. 634)

Dated: November 1, 2006.

**Roger B. Garland,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. E6-18712 Filed 11-8-06; 8:45 am]

BILLING CODE 8025-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-25668; Directorate Identifier 2006-CE-44-AD; Amendment 39-14815; AD 2006-23-03]

RIN 2120-AA64

#### **Airworthiness Directives; B-N Group Ltd. BN-2, BN-2A, BN-2B, BN-2T, and BN-2T-4R Series (All Individual Models Included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, Dated December 9, 2002) Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** The FAA adopts a new airworthiness directive (AD) for all B-N Group Ltd. BN-2, BN-2A, BN-2B, BN-2T, and BN-2T-4R series (all individual models included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, dated December 9, 2002) airplanes. This AD requires you to inspect the horizontal stabilizer attachment bolts and anchor nuts for damage and wear and replace damaged and/or worn parts with new, modified parts. If no damaged or worn parts are found during the inspection, this AD requires you to replace the horizontal stabilizer attachment bolts and anchor nuts at a specified time with new, modified parts. This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. We are issuing this AD to detect and correct damaged and/or worn horizontal stabilizer attachment bolts and anchor nuts, which could result in failure of the horizontal stabilizer. This failure could result in loss of control.

**DATES:** This AD becomes effective on December 14, 2006.

As of December 14, 2006, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

**ADDRESSES:** To get the service information identified in this AD, contact B-N Group Ltd., Bembridge Airport, Isle of Wight, PO35 5PR, United Kingdom; telephone: +44 (0) 1983 872511; fax: +44 (0) 1983 873246.

To view the AD docket, go to the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001 or on the Internet at <http://dms.dot.gov>. The docket number is FAA-2006-25668; Directorate Identifier 2006-CE-44-AD.

#### **FOR FURTHER INFORMATION CONTACT:**

Albert J. Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri, 64106; telephone: (816) 329-4119; fax: (816) 329-4090.

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

On September 11, 2006, we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all B-N Group Ltd. BN-2, BN-2A, BN-2B, BN-2T, and BN-2T-4R series (all individual models included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, dated December 9, 2002) airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 15, 2006 (71 FR 54438). The NPRM proposed to require you to inspect the horizontal stabilizer attachment bolts and anchor nuts for damage and wear and replace damaged and/or worn parts with new, modified parts. If no damaged or worn parts are found during the proposed inspection, the NPRM proposed to require you to replace the horizontal stabilizer attachment bolts and anchor nuts at a specified time with new, modified parts.

##### **Comments**

We provided the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal and FAA's response to each comment:

#### **Comment Issue No. 1: Publish the Manufacturer Service Information**

Jack Buster with the Modification and Replacement Parts Association (MARPA) provides comments on the MCAI AD process pertaining to how the FAA addresses publishing manufacturer service information as part of a proposed AD action. The commenter states that the proposed rule attempts to require compliance with a public law by reference to a private writing (as referenced in paragraph (e) of the proposed AD). The commenter would like the FAA to incorporate by reference (IBR) the B-N Group Ltd. service information.

We agree with Mr. Buster. However, we do not IBR any document in a

proposed AD action, instead we IBR the document in the final rule. Since we are issuing the proposal as a final rule AD action, B-N Britten-Norman Aircraft Limited Service Bulletin number SB 302, Issue 2, dated April 12, 2005, and B-N Group Ltd. Modification Leaflet for Mod NB-M-1787, Issue 1, dated August 1, 2005, are incorporated by reference.

#### **Comment Issue No. 2: Availability of IBR Documents in the Docket Management System (DMS)**

Mr. Buster requests IBR documents be made available to the public by publication in the **Federal Register** or in the DMS.

We are currently reviewing issues surrounding the posting of service bulletins in the Department of Transportation's DMS as part of the AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be revised.

#### **Comment Issue No. 3: Allow Replacement With FAA-approved Equivalent Parts**

Mr. Buster requests allowing the use of FAA-approved equivalent parts for replacing the horizontal stabilizer attachment bolts and anchor nuts with modified horizontal stabilizer attachment bolts.

We agree with Mr. Buster. We will allow the use of FAA-approved equivalent parts when installing the modified horizontal stabilizer attachment bolts.

We are adding the phrase "or FAA-approved equivalent part" in paragraphs (e)(2), (e)(3), and (e)(4) of this AD based on this comment.

##### **Conclusion**

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for minor editorial corrections. We have determined that these minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

#### **Differences Between the Foreign Airworthiness Authority AD, the Service Bulletin, and This AD**

The MCAI British AD No. G-2004-0014 R1, Effective Date: July 29, 2005, and B-N Britten-Norman Aircraft Limited Service Bulletin number SB 302, Issue 2, dated April 12, 2005, allow