

applicable laws and regulations and is consistent with the savings association's charter and bylaws.

(ii) The savings association is at least adequately capitalized under § 565.4(b) of this chapter and meets the regulatory capital requirements at § 567.2 of this chapter.

(iii) The savings association is or will be able to service the covered securities.

(iv) The covered securities are consistent with the requirements of this section.

(v) The covered securities and related transactions sufficiently transfer risk from the Deposit Insurance Fund.

(vi) OTS has no objection to the issuance based on the savings association's overall policies, condition, and operations.

(3) OTS approval or non-objection is conditioned upon no material changes to the information disclosed in the application or notice submitted to OTS. OTS may impose such additional requirements or conditions as it may deem necessary to protect purchasers, the savings association, OTS, or the Deposit Insurance Fund.

(e) *Amendments.* If a savings association amends the covered securities or related documents following the completion of OTS review, it must obtain OTS approval or non-objection under this section before it may include the amended securities in supplementary capital.

(f) *Sale of covered securities.* The savings association must complete the sale of covered securities within one year after OTS approval or non-objection under this section. A savings association may request an extension of the offering period by filing a written request with OTS. The savings association must demonstrate good cause for the extension and file the request at least 30 days before the expiration of the offering period or any extension of the offering period.

(g) *Reports.* A savings association must file the following information with OTS within 30 days after the savings association completes the sale of covered securities includable as supplementary capital. If the savings association filed its application or notice following the completion of the sale, it must submit this information with its application or notice:

(1) A written report indicating the number of purchasers, the total dollar amount of securities sold, the net proceeds received by the savings association from the issuance, and the amount of covered securities, net of all expenses, to be included as supplementary capital;

(2) Three copies of an executed form of the securities and a copy of any related documents governing the issuance or administration of the securities; and

(3) A certification by the appropriate executive officer indicating that the savings association complied with all applicable laws and regulations in connection with the offering, issuance, and sale of the securities.

Dated: November 28, 2006.

By the Office of Thrift Supervision.

**John M. Reich,**

*Director.*

[FR Doc. E7-475 Filed 1-16-07; 8:45 am]

**BILLING CODE 6720-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA-2006-25670; Directorate Identifier 2006-NM-027-AD; Amendment 39-14868; AD 2006-26-10]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Airbus Model A300 B2 and B4 series airplanes. This AD requires revising the airplane flight manual (AFM) to include procedures for resetting the trim and pitch trim levers after each landing, determining which servomotor moves the pitch trim control wheel, and doing applicable other specified actions. This AD also provides for optional terminating actions for those requirements. This AD results from a report of a sudden nose-up movement after disengagement of the autopilot in cruise. We are issuing this AD to ensure that the flightcrew is aware of the procedures for resetting the trim and pitch trim levers after each landing and to prevent failure of the servomotors of the pitch trim systems during flight. Failure of the servomotors of the pitch trim systems could result in uncommanded nose-up movement of the control surface of the pitch trim systems after disengagement of the autopilot in cruise.

**DATES:** This AD becomes effective February 21, 2007.

The Director of the Federal Register approved the incorporation by reference

of certain publications listed in the AD as of February 21, 2007.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC.

Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for service information identified in this AD.

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

Thomas Stafford, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1622; fax (425) 227-1149.

#### **SUPPLEMENTARY INFORMATION:**

##### **Examining the Docket**

You may examine the airworthiness directive (AD) docket on the Internet at <http://dms.dot.gov> or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

##### **Discussion**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Airbus Model A300 B2 and B4 series airplanes. That NPRM was published in the **Federal Register** on August 23, 2006 (71 FR 49385). That NPRM proposed to require revising the airplane flight manual (AFM) to include procedures for resetting the trim and pitch trim levers after each landing, determining which servomotor moves the pitch trim control wheel, and doing applicable other specified actions. That NPRM also provided for optional terminating actions for those requirements.

##### **Comments**

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

##### **Request To Include Procedures From the Temporary Revision**

ASTAR Air Cargo (ASTAR) requests that paragraph (f) of the NPRM be revised to include the AFM procedures specified in French airworthiness directive F-2003-291 R1, issued July 6, 2005. ASTAR notes that paragraph (f) of

the NPRM requires revising the AFM by “including the information in Airbus A300 Temporary Revision (TR) 4.03.00/04, Issue 02, dated November 18, 2003.” ASTAR states that TR 4.03.00/04 may not be considered active nor accessible from Airbus, and that the procedures are not included in its A300 United States AFM.

We agree with ASTAR’s request for the stated reasons. We have revised paragraphs (f) and (g) of this AD accordingly.

#### Request To Incorporate by Reference Service Information in the NPRM

The Modification and Replacement Parts Association (MARPA) requests that all service information referenced in the NPRM be incorporated by reference during the NPRM phase of the rulemaking. MARPA states that, when a service document is incorporated by reference, it loses its private, protected status and becomes itself a public document. MARPA contends that public laws such as ADs must be made public because operators cannot comply with ADs referencing private writings. MARPA expresses concern that failing to incorporate by reference essential service information could result in a court decision invalidating the AD.

We do not agree that service information should be incorporated by reference during the NPRM phase of rulemaking. The Office of the Federal Register (OFR) requires that service information that is necessary to do the requirements of the AD be incorporated by reference during the final rule phase of rulemaking. This final rule incorporates by reference the service information necessary for doing the requirements of this AD. Further, we point out that while service information

that is incorporated by reference does become public information, it does not lose its copyright protection. For that reason, we advise the public to contact the manufacturer to obtain copies of the referenced service information.

#### Request To Post Service Information on the Docket Management System (DMS)

MARPA also requests that incorporated by reference service information be posted on the DMS. MARPA states that the OFR’s stated purpose of incorporating by reference service information in the **Federal Register** is brevity; to keep from expanding the **Federal Register** needlessly by publishing service information already in the hands of the affected individuals. MARPA also states that affected individuals has traditionally meant aircraft owners and operators who are generally provided service information by the manufacturer. MARPA points out that a new class of affected individuals has emerged, since the majority of aircraft maintenance is now done by specialty shops instead of repair organizations, component servicing and repairs shops, etc. MARPA further points out that distributing service information only to aircraft owners who are possibly a financing or leasing company, may not actually reach the person responsible for doing the AD.

In regard to MARPA’s request that service information be made available to the public by publication in the **Federal Register**, we agree that incorporation by reference was authorized to reduce the volume of material published in the **Federal Register** and the Code of Federal Regulations. However, as specified in the Federal Register Document Drafting Handbook, the

Director of the OFR decides when an agency may incorporate material by reference. As MARPA is aware, the OFR files service information for public inspection on the workday before the date of publication of the AD at its office in Washington, DC. As stated in the Federal Register Document Drafting Handbook, when service information is filed for public inspection, anyone may inspect or copy file service information during the OFR’s hours of business. Further questions regarding publication of service information in the **Federal Register** or incorporation by reference should be directed to the OFR.

In regard to MARPA’s request to post service information on the Department of Transportation’s DMS, we are currently in the process of reviewing issues surrounding the posting of service information on the DMS as part of an 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. No change to the final rule is necessary in response to this comment.

#### Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

#### Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this AD. The average labor rate per hour is \$80.

ESTIMATED COSTS

Action	Work hours	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
AFM revision .....	1	None .....	\$80 .....	23	\$1,840
Determination if pitch trim control wheel moves.	1	None .....	80 .....	23	1,840.
Optional replacement .....	3	\$264 .....	504 .....	23	11,592.
Optional repetitive preventative maintenance tasks.	3	None .....	240, per task cycle .....	23	5,520, per task cycle.

#### 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 regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA 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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

**2006–26–10 Airbus:** Amendment 39–14868. Docket No. FAA–2006–25670; Directorate Identifier 2006–NM–027–AD.

#### Effective Date

(a) This AD becomes effective February 21, 2007.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to all Airbus Model A300 airplanes; certificated in any category; except the following airplanes:

- (1) Model A300 B4–220, A300 B4–203, and A300 B2–203 airplanes in a forward facing crew cockpit certified configuration;
- (2) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes;
- (3) Model A300 B4–605R and B4–622R airplanes;
- (4) Model A300 F4–605R and F4–622R airplanes; and
- (5) Airbus Model A300 C4–605R Variant F airplanes.

#### Unsafe Condition

(d) This AD results from a report of a sudden nose-up movement after disengagement of the autopilot in cruise. We are issuing this AD to ensure that the flightcrew is aware of the procedures for resetting the trim and pitch trim levers after each landing and to prevent failure of the servomotors of the pitch trim systems during flight. Failure of the servomotors of the pitch trim systems could result in uncommanded nose-up movement of the control surface of the pitch trim systems after disengagement of the autopilot in cruise.

#### Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

#### Revision of Airplane Flight Manual (AFM)

(f) Within 14 days after the effective date of this AD, do the action specified in paragraph (f)(1) or (f)(2) of this AD.

(1) Revise the Normal Procedures section of the Airbus A300 Flight Manual to include the information in Airbus A300 Temporary Revision (TR) 4.03.00/04, Issue 02, dated November 18, 2003, as specified in the TR.

**Note 1:** This may be done by inserting a copy of TR 4.03.00/04, Issue 02, in the AFM. When the TR or the statement specified in paragraph (f)(2) of this AD has been included in the general revisions of the AFM, the general revisions may be inserted in the AFM, provided the relevant information in the general revision is identical to that in the TR or paragraph (f)(2) of this AD.

(2) Revise the Normal Procedures section of the Airbus A300 Flight Manual to include the following operational procedure. This may be done by inserting a copy of this AD in the AFM.

#### “APPROACH AND LANDING”

##### PITCH TRIM

—Set TRIM to 1° UP

—Set both PITCH TRIM levers to OFF

**Note:** Check pitch trim wheel and report any movement to maintenance.”

#### Determination if Pitch Trim Control Wheel Moves

(g) Following accomplishment of the AFM revision required by paragraph (f) of this AD: After each landing and before shutting down the engines, do the AFM procedures specified in Airbus A300 TR 4.03.00/04, Issue 02, dated November 18, 2003, or paragraph (f)(2) of this AD.

#### Determination if Servomotor Moves

(h) Before further flight after any movement reported in accordance with paragraph (g) of this AD, determine which servomotor moves the pitch trim control wheel, and do applicable other specified actions in accordance with Airbus A300 TR 22–001, dated April 11, 2003, to Chapter 22–23–00 of the Airbus A300 Fault Isolation Manual.

**Note 2:** Airbus A300 TR 22–001 contains a typographical error. The TR incorrectly refers to “MM 22–23–39” as the appropriate source of service information for replacing the pitch trim actuator; the correct reference is “MM 22–23–29.”

#### Optional Replacement of the Pitch Trim Servomotors

(i) Replace the pitch trim servomotors in the attachment area of the horizontal and vertical stabilizers with new servomotors, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–22–0119, dated May 13, 2005.

**Note 3:** Airbus Service Bulletin A300–22–0119, dated May 13, 2005, refers to Thales Service Bulletin V1AM–22–005, Revision 01, dated July 27, 2005, as an additional source of service information for doing the replacement.

#### Repetitive Preventative Maintenance Tasks

(j) Within 12,000 flight hours after replacing one or both servomotors in accordance with paragraph (h) or (i) of this AD, or within 6 months after the effective date of this AD, whichever occurs later, do the preventative maintenance task of the pitch trim servomotor(s), in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–22–0120, excluding Appendix 01, dated May 13, 2005. Repeat the preventative maintenance task thereafter at intervals not to exceed 12,000 flight hours.

**Note 4:** Airbus Service Bulletin A300–22–0120, dated May 13, 2005, refers to Thales Service Bulletin V1AM–22–006, Revision 01, dated July 26, 2005, as an additional source of service information for doing the preventative maintenance task.

#### Removal of AFM Revision

(k) After accomplishing the actions specified in paragraph (i) and the initial task in paragraph (j) of this AD, the AFM revision required by paragraph (f) of this AD may be removed, and the requirements of paragraphs (g) and (h) of this AD are no longer required.

#### No Reporting

(l) Although Airbus Service Bulletin A300–22–0120, dated May 13, 2005, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

#### Alternative Methods of Compliance (AMOCs)

(m)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to

which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

#### Related Information

(n) French airworthiness directives F-2003-291 R1, dated July 6, 2005, and F-2005-109, dated July 6, 2005, also address the subject of this AD.

#### Material Incorporated by Reference

(o) You must use the service information in Table 1 of this AD to do the actions that are required by this AD, unless the AD specifies otherwise. If the optional replacement is done, you must use the service information in Table 2 of this AD to do the replacement. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex,

France, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL-401, Nassif Building, Washington, DC; on the Internet at <http://dms.dot.gov>; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741-6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

TABLE 1.—MATERIAL INCORPORATED BY REFERENCE FOR REQUIRED ACTIONS

Service information	Revision/issue level	Date
(1) Airbus A300 Temporary Revision 22-001 to Chapter 22-23-00 of the Airbus A300 Fault Isolation Manual.	Original .....	April 11, 2003.
(2) Airbus A300 Temporary Revision 4.03.00/04 to Airbus 300 Flight Manual .....	Issue 02 .....	November 18, 2003.
(3) Airbus Service Bulletin A300-22-0120, excluding Appendix 01 .....	Original .....	May 13, 2005.

TABLE 2.—MATERIAL INCORPORATED BY REFERENCE FOR OPTIONAL ACTIONS

Service information	Revision level	Date
Airbus Service Bulletin A300-22-0119 .....	Original .....	May 13, 2005.

Issued in Renton, Washington, on December 21, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. E7-399 Filed 1-16-07; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 948

[WV-111-FOR]

#### West Virginia Abandoned Mine Lands Reclamation Plan

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** We (OSM) are announcing the approval of an amendment to the West Virginia Abandoned Mine Lands Reclamation (AMLR) Plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The amendment makes numerous revisions throughout the State's AMLR Plan, and it is intended to update and improve the effectiveness of the West Virginia AMLR Plan.

**DATES:** *Effective date:* January 17, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger W. Calhoun, Director, Charleston

Field Office, Office of Surface Mining Reclamation and Enforcement, 1027 Virginia Street, East, Charleston, West Virginia 25301, Telephone: (304) 347-7158. E-mail: [chfo@osmre.gov](mailto:chfo@osmre.gov).

#### SUPPLEMENTARY INFORMATION:

- I. Background on the Abandoned Mine Lands Reclamation Program
- II. Submission of the Amendment
- III. OSM's Findings
- IV. Summary and Disposition of Comments
- V. OSM's Decision
- VI. Procedural Determinations

#### I. Background on the Abandoned Mine Lands Reclamation Program

The West Virginia AMLR Program was established by Title IV of SMCRA (30 U.S.C. 1201 *et seq.*) in response to concerns over extensive environmental damage caused by past coal mining activities. The program is funded by a reclamation fee collected on each ton of coal that is produced. The money collected is used to finance the reclamation of abandoned coal mines and for other authorized activities. Section 405 of the Act allows States and Indian Tribes to assume exclusive responsibility for reclamation activity within the State or on Indian lands if they develop and submit to the Secretary of the Interior for approval, a program (often referred to as a plan) for the reclamation of abandoned coal mined lands. The West Virginia AMLR Plan was approved by OSM effective February 23, 1981. You can find additional information about the West

Virginia AMLR Plan at 30 CFR 948.20, 948.25, and 948.26.

#### II. Submission of the Amendment

By letter dated June 27, 2006 (Administrative Record Number WV-1469), the West Virginia Department of Environmental Protection (WVDEP), Office of Abandoned Mine Lands and Reclamation submitted an amendment to its AMLR Plan under SMCRA (30 U.S.C. 1201 *et seq.*). The amendment consists of numerous changes throughout the AMLR Plan, some of which concern the AML Enhancement Rule. In its submittal of the amendment, the WVDEP stated that the revision incorporates the AML Enhancement Rule at 30 CFR Parts 707 and 874, as published by OSM in the **Federal Register** on Friday, February 12, 1999 (64 FR 7470-7483).

In its submittal letter, the State noted that the amendment also contains minor organizational and operational changes. Minor changes, such as organizational changes, re-numbering of sections, updating the name of departments or agencies, deletion of historical narrative, and the correction of typographical and grammatical errors, are non-substantive changes that do not affect the basis of the original approval of the West Virginia AMLR Plan. Therefore, we did not identify such non-substantive changes in our published proposed rule notice.

We announced receipt of the proposed amendment in the September 18, 2006, **Federal Register** (71 FR