

Proposed Rules

Federal Register

Vol. 72, No. 244

Thursday, December 20, 2007

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Parts 544 and 552

[Docket ID OTS–2007–0025]

RIN 1550–ACOO

Federal Savings Association Bylaws; Integrity of Directors; Withdrawal of Proposed Rule

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Office of Thrift Supervision (OTS) is withdrawing the proposed rule. The proposed rule would have amended OTS's regulations concerning corporate governance to permit federally chartered savings associations and mutual holding companies (collectively, federal savings associations) to adopt a preapproved bylaw that would have precluded certain persons from serving on the adopting federal savings association's board of directors, and from nominating others to so serve. In addition, the proposed preapproved bylaw would have precluded any entity owned or controlled by a prohibited person from nominating anyone to serve on the adopting federal savings association's board of directors.¹

DATES: The amendments to 12 CFR 544.5 and 552.5 proposed in the **Federal Register** on February 14, 2006, at 71 FR 7695, are withdrawn as of December 20, 2007.

FOR FURTHER INFORMATION CONTACT:

Aaron B. Kahn, Assistant Chief Counsel, Business Transactions Division, (202) 906–6263; or Donald W. Dwyer, Director, Applications, Examinations and Supervision-Operations, (202) 906–

6414, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Background

In 2001 OTS adopted a regulation that provided for preapproved optional bylaws for federally chartered savings associations. OTS simultaneously promulgated an optional preapproved bylaw providing integrity standards for directors of such associations. On February 14, 2006, OTS published a proposed rule, which, if adopted, would have amended the rules governing the permissible bylaws for federal savings associations to permit a federal savings association to adopt an optional bylaw precluding persons who, among other things, have ever been subject to certain cease and desist orders entered by any of the banking agencies from serving on the adopting federal savings association's board of directors. In addition, under the optional bylaw provision, persons precluded from serving as a director could have been prohibited from nominating others to serve as a director, and entities controlled by a ineligible person could have similarly been precluded from nominating directors.²

OTS received ten comments on the proposed rule. Eight comments favored the proposal and/or sought to extend the restrictions included in the proposed optional bylaw. Two comments objected to the proposal.

After reviewing the public comments, as well as other relevant considerations, OTS has concluded that the proposed rule should be withdrawn.

Withdrawal of the Proposed Rule

In light of the foregoing, OTS withdraws its proposal published in the **Federal Register** on February 14, 2006 at 71 FR 7695.

Dated: December 14, 2007.

By the Office of Thrift Supervision.

John M. Reich,
Director.

[FR Doc. E7–24743 Filed 12–19–07; 8:45 am]

BILLING CODE 6720–01–P

¹ OTS proposed amending regulations governing bylaws of federal stock and federal mutual savings associations. However, OTS's regulations governing mutual holding companies incorporate the bylaw provisions of federal stock and federal mutual savings associations.

² 71 FR 7695 (Feb. 14, 2006).

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

RIN 3245–AE14

SBA Lender Oversight Program

AGENCY: U.S. Small Business Administration.

ACTION: Extension of comment period.

SUMMARY: On October 31, 2007, SBA published a proposed rule seeking comments on its proposal which would incorporate SBA's risk-based lender oversight program into SBA regulations. SBA is extending the comment period an additional 60 days from December 31, 2007 to February 29, 2008. The proposed rule is generating a significant level of interest. Given the scope of the proposal and the nature of the issues raised by the comments received to date, SBA believes the affected parties would find it beneficial to have more time to review the proposal and prepare their comments.

DATES: The comment period for the SBA Lender Oversight Program Notice and Request for Comments published October 31, 2007 (72 FR 61752) is extended through February 29, 2008.

ADDRESSES: You may submit comments, identified by RIN number 3245–AE14 by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Bryan Hooper, Director for Office of Credit Risk Management, U.S. Small Business Administration, 409 3rd Street, SW., 8th floor, Washington, DC 20416.
- *Hand Delivery/Courier:* Bryan Hooper, Director for Office of Credit Risk Management, U.S. Small Business Administration, 409 3rd Street, SW., 8th Floor, Washington, DC 20416.

All comments will be posted on www.Regulations.gov. If you wish to include within your comment, confidential business information (CBI) as defined in the Privacy and Use Notice/User Notice at www.Regulations.gov and you do not want that information disclosed, you must submit the comment by either Mail or Hand Delivery and you must address the comment to the attention of Linda Rusche, Supervisory Financial Analyst, Office of Credit Risk Management. In the submission, you

must highlight the information that you consider is CBI and explain why you believe this information should be held confidential. SBA will make a final determination, in its sole discretion, of whether the information is CBI and, therefore, will not be published.

FOR FURTHER INFORMATION CONTACT:

Linda Rusche, Supervisory Financial Analyst, at (816) 426-4860, or Bryan Hooper, Director, Office of Credit Risk Management, (202) 205-3049.

Authority: 15 U.S.C. 634.

Dated: December 11, 2007.

Eric R. Zarnikow,

Associate Administrator for the Office of Capital Access.

[FR Doc. E7-24381 Filed 12-19-07; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE275; Notice No. 23-07-04-SC]

Special Conditions: Aviation Technology Group, Inc., Javelin Model 100; High Altitude Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Aviation Technology Group, Inc., Javelin Model 100 airplane. This airplane will have a novel or unusual design feature(s) associated with high altitude operations. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards. **DATES:** We must receive your comments by January 22, 2008.

ADDRESSES: Mail two copies of your comments to: Federal Aviation Administration, Regional Counsel, ACE-7, 901 Locust, Room 506, Kansas City, Missouri 64106. You may deliver two copies to the Small Airplane Directorate at the above address. Mark your comments: Docket No. CE275. You may inspect comments in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT:

Leslie B. Taylor, Regulations & Policy

Branch, ACE-111, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 901 Locust, Kansas City, MO 64106; telephone (816) 329-4134; facsimile (816) 329-4090, e-mail at leslie.b.taylor@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested parties to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning these special conditions. You may inspect the docket before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it back to you.

Background

On February 15, 2005, Aviation Technology Group (ATG), 8001 S. InterPort Blvd., Englewood, CO 80112 applied for a type certificate for their new Javelin Model 100 airplane. The Javelin Model 100 is a two-seat, pressurized, retractable-gear, composite airplane with two turbofan engines mounted in the aft fuselage.

The Aviation Technology Group, Inc. (ATG) Javelin Model 100 will be certificated for operations at a maximum altitude of 45,000 feet. This unusually high operating altitude constitutes a novel or unusual design feature for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. Therefore, it is necessary to develop special conditions that provide the level of safety equivalent to that established by the regulations.

ATG indicated they will fully comply with Special Conditions for a., Pressure Vessel Integrity; b., Ventilation; and c., Air Conditioning.

However, ATG is unable to fully comply with Special Conditions d. Pressurization and e. Oxygen equipment and supply. As a result from these discussions, the Special Conditions d. and e. were revised to include an alternate means or compensating features that require the use of an oxygen system and emergency descent procedures that addresses a rapid decompression event.

Discussion

The 14 CFR part 23 certification basis for the ATG Javelin Model 100 is part 23, Amendment 23-55. The FAA issues high altitude special conditions for airplanes when the certificated altitude exceeds human physiological limits.

Crack growth could result in rapid depressurization to cabin altitudes that exceed human physiological limits. Damage tolerance methods are proposed to be used to assure pressure vessel integrity while operating at the higher altitudes. Crack growth data is used to prescribe an inspection program, which will detect cracks before an opening in the pressure vessel would allow rapid depressurization. Initial crack sizes for detection are determined under § 23.571, Amendment 23-55. The cabin altitude after permissible crack growth may not exceed specified limits.

To ensure that there is adequate fresh air for crewmembers to perform their duties, to provide reasonable passenger comfort, and to enable occupants to better withstand the effects of decompression at high altitudes, the ventilation system must be designed to provide 10 cubic feet of fresh air per minute per person during normal operations. Therefore, these special conditions require that crewmembers and passengers be provided with 10 cubic feet of fresh air per minute per person. In addition, during the development of the supersonic transport special conditions, it was noted that certain pressurization failures resulted in hot ram or bleed air being used to maintain pressurization. Air conditioning special conditions are required because such a measure can lead to cabin temperatures that exceed human tolerance limits following probable and improbable failures.

Continuous flow passenger oxygen equipment is certificated for use up to 40,000 feet; however, for rapid decompressions above 34,000 feet, reverse diffusion leads to low oxygen partial pressures in the lungs, to the extent that a small percentage of