

**§ 563.28 [Corrected]**

■ 1. On page 13435, in the third column, in § 563e.28 Assigned ratings, in paragraph (c)(1), in the first sentence, “or any affiliate” is corrected to read “or in any assessment area by any affiliate”.

**Appendix A to Part 563e—Ratings [Corrected]**

■ 2. On page 13436, in the second column, in Appendix A to Part 563e—Ratings, in paragraph (d)(3)(ii)(B), in the second sentence, “a bank’s performance” is corrected to read “a savings association’s performance”.

Dated: April 11, 2007.

By the Office of Thrift Supervision.

**Deborah Dakin,**

*Senior Deputy Chief Counsel.*

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2005-21624; Directorate Identifier 2005-NE-17-AD; Amendment 39-15028; AD 2005-13-25R1]

RIN 2120-AA64

**Airworthiness Directives; Turbomeca S.A. Arriel 2B Turboshaft Engines**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is revising an existing airworthiness directive (AD) for Turbomeca S.A. Arriel 2B turboshaft engines with Modification TU62A incorporated. That AD currently requires initial and repetitive inspections, cleaning, lubrication, and checks for proper operation of the HMU acceleration controller axle. This AD requires the same actions, but removes engines incorporating TU132 from the applicability and adds an optional terminating action for the repetitive actions required in AD 2005-13-25. This AD results from the engine manufacturer releasing a service bulletin to introduce modification TU132. We are issuing this AD to prevent loss of control of engine fuel flow in manual control mode or mixed control mode, which can lead to engine overspeed, and in-flight engine shutdown resulting in a forced autorotation landing or accident.

**DATES:** Effective May 22, 2007. The Director of the Federal Register

previously approved the incorporation by reference of Alert Mandatory Service Bulletin (ASB) No. A292 73 2814, Update No. 1, dated January 11, 2005, on July 11, 2005 (70 FR 36480, June 24, 2005). The Director of the Federal Register approved the incorporation by reference of ASB No. A292 73 2814, Update No. 2, dated December 15, 2006, as of May 22, 2007.

We must receive any comments on this AD by June 18, 2007.

**ADDRESSES:** Use one of the following addresses to comment on this proposed AD.

- *DOT Docket Web site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

- *Fax:* (202) 493-2251.

- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Turbomeca S.A., 40220 Tarnos, France; telephone 33 05 59 74 40 00, fax 33 05 59 74 45 15, for the service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:**

Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7175; fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** On June 16, 2005, the FAA issued AD 2005-13-25, Amendment 39-14162 (70 FR 36480, June 24, 2005). That AD requires initial and repetitive inspections, cleaning, lubrication, and checks for proper operation of the hydromechanical unit (HMU) acceleration controller axle on engines that incorporate modification TU62A. That AD was the result of several reports of the HMU acceleration controller axle sticking that resulted in engine overspeed and in-flight engine shutdown or uncommanded in-flight engine shutdown. That condition, if not corrected, could result in loss of control of engine fuel flow in manual control mode or mixed control mode, which can lead to engine overspeed, and in-flight engine shutdown resulting in a forced autorotation landing or accident.

**Actions Since We Issued AD 2005-13-25**

Since we issued that AD, the manufacturer introduced modification TU132, which includes a new P3 cover with a self-lubricating coating and a reduced centering length in the P3 cover. The European Aviation Safety Authority (EASA) which is the airworthiness authority for the European Union, recently notified us that Turbomeca S.A. has introduced modification TU132 to eliminate the cause of an unsafe condition on Turbomeca S.A. Arriel 2B turboshaft engines. This AD requires inspecting and lubricating the P3 cover and HMU acceleration control axle on HMUs that are not modified to TU132. We are issuing this AD to prevent loss of control of engine fuel flow in the manual control mode or mixed control mode, which can lead to engine overspeed, and in-flight engine shutdown resulting in a forced autorotation landing or accident.

**Relevant Service Information**

We have reviewed and approved the technical contents of Turbomeca Alert Mandatory Service Bulletin (ASB) No. A292 73 2814, Update No. 2, dated December 15, 2006. That ASB describes procedures for inspecting, lubricating, and checking for proper operation of the HMU acceleration controller axle. The EASA issued AD 2007-0026, dated February 1, 2007, in order to ensure the airworthiness of these Arriel 2B turboshaft engines in the European Union.

**Bilateral Airworthiness Agreement**

This engine model is manufactured in France, and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Under this bilateral airworthiness agreement, the EASA has kept the FAA informed of the situation described above. We have examined the findings of the EASA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

**FAA’s Determination and Requirements of This AD**

The unsafe condition described previously is likely to exist or develop on other Turbomeca S.A. Arriel 2B turboshaft engines of the same type design. We are issuing this AD to prevent loss of control of engine fuel flow in the manual control mode or

mixed control mode, which can lead to engine overspeed, and in-flight engine shutdown resulting in a forced autorotation landing or accident. This AD requires initial and repetitive inspections, cleaning, lubrication, and checks for proper operation of the HMU acceleration controller axle. You must use the service information described previously to perform the actions required by this AD.

#### FAA's Determination of the Effective Date

Since we are reducing the applicability of this AD, a situation exists that allows the immediate adoption of this AD. We have found that notice and opportunity for public comment before issuing this AD are unnecessary.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. FAA-2005-21624; Directorate Identifier 2005-NE-17-AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of the DMS Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://dms.dot.gov>.

#### Examining the AD Docket

You may examine the docket that contains the AD, any comments received, and any final disposition in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647-5227) is located on the plaza level of the Department of Transportation Nassif Building at the

street address stated in **ADDRESSES**. Comments will be available in the AD docket shortly after the DMS receives them.

#### 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 the 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, Incorporation by reference, Safety.

#### Adoption of the Amendment

■ Under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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 removing Amendment 39-14162 70 FR 36480, June 24, 2005, and by adding a new airworthiness directive, Amendment 39-15028, to read as follows:

**2005-13-25R1 Turbomeca S.A.:**  
Amendment 39-15028. Docket No. FAA-2005-21624; Directorate Identifier 2005-NE-17-AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective May 22, 2007.

#### Affected ADs

(b) This AD revises AD 2005-13-25, Amendment 39-14162.

#### Applicability

(c) This AD applies to Turbomeca S.A. Arriel 2B turboshaft engines with Modification TU62A incorporated, but do not have Modification TU132. These engines are installed on, but not limited to, Eurocopter AS350B3 helicopters.

#### Unsafe Condition

(d) This AD results from the engine manufacturer releasing a service bulletin to introduce modification TU132. We are issuing this AD to prevent loss of control of engine fuel flow in manual control mode or mixed control mode, which can lead to engine overspeed, and in-flight engine shutdown resulting in a forced autorotation landing or accident.

#### 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.

#### Hydromechanical Units (HMUs) Without Modification TU132

(f) Within 20 operating hours after July 11, 2005, the AD's original effective date, inspect, clean, lubricate, and check for proper operation of the HMU acceleration controller axle. Use paragraph 2 of Instructions to be Incorporated of Turbomeca Alert Mandatory Service Bulletin No. A292 73 2814, Update No. 1, dated January 11, 2005, or Update No. 2, dated December 15, 2006, to do these actions.

(g) Thereafter, repeat the actions specified in paragraph (f) of this AD within every 210 operating hours.

#### Optional Terminating Action

(h) Modifying the HMU to Modification TU132, terminates the repetitive inspection requirements specified in paragraph (g) of this AD. Turbomeca Service Bulletin No. 292 73 2132, dated May 31, 2006, contains information on modifying the HMU to Modification TU132.

### Alternative Methods of Compliance

(i) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

### Related Information

(j) The EASA airworthiness directive 2007-0026, dated February 1, 2007, also addresses the subject of this AD.

### Material Incorporated by Reference

(k) You must use Turbomeca Alert Mandatory Service Bulletin (ASB) No. A292 73 2814, Update No. 1, dated January 11, 2005; or ASB No. A292 73 2814, Update No. 2, dated December 15, 2006, to perform the actions required by this AD. The Director of the Federal Register previously approved the incorporation by reference of ASB No. A292 73 2814, Update No. 1, dated January 11, 2005, on July 11, 2005 (70 FR 36480; June 24, 2005). The Director of the Federal Register approved the incorporation by reference of ASB No. A292 73 2814, Update No. 2, dated December 15, 2006, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Turbomeca S.A., 40220 Tarnos, France; telephone 33 05 59 74 40 00, fax 33 05 59 74 45 15, for a copy of this service information. You may review copies at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at 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).

Issued in Burlington, Massachusetts, on April 9, 2007.

**Peter A. White,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Parts 35 and 37

[Docket Nos. RM05-17-000 and RM05-25-000; Order No. 890]

### Preventing Undue Discrimination and Preference in Transmission Service

Issued April 11, 2007.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Order granting extension of compliance action dates.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is extending certain deadlines for compliance actions required by Order

No. 890, the final rule issued in this proceeding on February 16, 2007.

**DATES:** The date by which transmission providers must implement certain reforms adopted in Order No. 890 is hereby extended by 60 days, to July 13, 2007, as set forth in Appendix A of this order.

**FOR FURTHER INFORMATION CONTACT:** W. Mason Emmett (Legal Information), Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-6540.

**SUPPLEMENTARY INFORMATION:** Before Commissioners: Joseph T. Kelliher, Chairman; Sudeen G. Kelly, Marc Spitzer, Philip D. Moeller, and Jon Wellingshoff.

### Order Granting Extension of Compliance Action Dates

1. On March 21, 2007, Tampa Electric Company (Tampa Electric) together with Florida Power & Light Company (FPL) filed a motion for extension of deadlines relating to the implementation of additional functionality for the Open Access Same-Time Information System (OASIS) and the posting of new transmission-related metrics as outlined in Order No. 890.<sup>1</sup> On March 29, 2007, Tampa Electric and FPL supplemented their motion with a preliminary assessment of technical work required to implement the additional OASIS functionality and the posting of new transmission-related metrics.

2. On March 23, 2007, the Edison Electric Institute (EEI) filed a motion requesting that the Commission extend to 120 days from publication of Order No. 890 in the **Federal Register** all deadlines currently set as less than 120 days as applied to transmission providers that are not members of an Independent System Operator (ISO) or Regional Transmission Organization (RTO). On March 29, 2007, EEI filed a second motion to extend the filing deadline for ISO and RTO transmission providers' "strawman" proposals detailing compliance with each of the nine planning principles adopted in Order No. 890.

3. On April 3, 2007, E.ON U.S. LLC (E.ON) filed a motion stating its support of EEI's request to allow utilities not participating in an ISO or RTO an additional 60 days to comply with the non-rate terms and conditions set out in Order No. 890, but requesting a 90-day extension for submission of its Federal Power Act (FPA) section 206

compliance filing due to E.ON's particular circumstances.

4. Finally, on April 9, 2007, Portland General Electric Company (PGE) filed a motion seeking an extension of deadlines associated with the optional filing under FPA section 205 regarding previously-approved variations from the *pro forma* Open Access Transmission Tariff (OATT).

5. For the reasons outlined below, the Commission grants in part the March 23, 2007, motion of EEI and denies the March 29, 2007, motion of EEI, as well as the subsequent motions of E.ON and PGE. Accordingly, the joint motion of Tampa Electric and FPL, as supplemented, is rejected as moot.

### I. Background

6. On February 16, 2007, the Commission issued Order No. 890 on Preventing Undue Discrimination and Preference in Transmission Service in these dockets.<sup>2</sup> In Order No. 890, the Commission amended its regulations and the *pro forma* OATT, adopted in Order No. 888,<sup>3</sup> to ensure that transmission services are provided on a basis that is just, reasonable and not unduly discriminatory or preferential. The Commission designed Order No. 890 to: (1) Strengthen the *pro forma* OATT to ensure that it achieves its original purpose of remedying undue discrimination; (2) provide greater specificity to reduce opportunities for undue discrimination and facilitate the Commission's enforcement; and (3) increase transparency in the rules applicable to planning and use of the transmission system.

7. Order No. 890 established a number of compliance requirements with corresponding deadlines, each necessary to achieve its stated goals. Among other things, transmission providers that have not been approved as ISOs or RTOs, and whose transmission facilities are not under the control of an ISO or RTO, were directed to submit, within 60 days after publication of Order No. 890 in the **Federal Register**, *i.e.*, May 14, 2007, filings under section 206 of the FPA that contain the non-rate terms and

<sup>2</sup> *Id.*

<sup>3</sup> *Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, 61 FR 21540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, 62 FR 12274 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,048 (1997), *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000) (*TAPS v. FERC*), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

<sup>1</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, 72 FR 12266 (March 15, 2007), FERC Stats. & Regs. ¶ 31,241 (2007), *reh'g pending* (Order No. 890).