

Affairs (OIRA) of the Office of Management and Budget (OMB).

*B. National Environmental Policy Act of 1969*

DOE has determined that this final rule is covered under the Categorical Exclusion found in DOE's National Environmental Policy Act regulations at paragraph A.5 of Appendix A to Subpart D, 10 CFR, part 1021, which applies to a rulemaking that amends an existing rule or regulation which does not change the environmental effect of the rule or regulation being amended.

*C. Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. DOE has found that prior notice and opportunity for public comment are not required for this rulemaking. Therefore, the analytical requirements of the Regulatory Flexibility Act do not apply to today's rule. Accordingly, DOE has not prepared a regulatory flexibility analysis for this rulemaking.

*D. Paperwork Reduction Act*

This rule does not impose any new collection of information subject to review and approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

*E. Unfunded Mandates Reform Act of 1995*

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) generally requires Federal agencies to examine closely the impacts of regulatory actions on State, local, and tribal governments. This final rule does not impose a Federal mandate on State, local or tribal governments. The rule would not result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$100 million or more in any one year. Accordingly, no assessment or analysis is required under the Unfunded Mandates Reform Act of 1995.

*F. Treasury and General Government Appropriations Act, 1999*

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105-277), requires Federal agencies to issue a Family Policymaking Assessment for any rulemaking that may affect family well-being. This rule would not have any

impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

*G. Executive Order 13132*

Executive Order 13132, "Federalism," 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. DOE has determined that this rule would not preempt State law and 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. No further action is required by Executive Order 13132.

*H. Executive Order 12988*

DOE has determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

*I. Treasury and General Government Appropriations Act, 2001*

DOE has reviewed today's rule under OMB and DOE guidelines concerning dissemination of information to the public and has concluded that it is consistent with applicable policies in those guidelines.

*J. Executive Order 13211*

Today's rule would not have a significant adverse effect on the supply, distribution, or use of energy and is therefore not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

*K. Congressional Notification*

As required by 5 U.S.C. 801, the Department will submit to Congress a report regarding the issuance of today's final rule prior to the effective date set forth at the outset of this rule. The report will state that it has been determined that the rule is not a "major rule" as defined by 5 U.S.C. 801(2).

**V. Approval by the Office of the Secretary of Energy**

Issuance of this rule has been approved by the Office of the Secretary.

**List of Subjects in 10 CFR Part 609**

Administrative practice and procedure, Energy, Loan programs, and Reporting and recordkeeping requirements.

Issued in Washington, DC, on January 7, 2008.

**Steve Isakowitz,**  
*Chief Financial Officer.*

■ For the reasons set out in the preamble, DOE amends part 609 of subchapter H of chapter II of title 10 of the Code of Federal Regulations as set forth below:

**PART 609—LOAN GUARANTEES FOR PROJECTS THAT EMPLOY INNOVATIVE TECHNOLOGIES**

■ 1. The authority citation for part 609 continues to read as follows:

**Authority:** 42 U.S.C. 7254, 16511-16514.

**§ 609.1 [Amended]**

■ 2. Section 609.1 is amended by removing paragraph (c)(2) and redesignating paragraph (c)(1) as paragraph (c).

[FR Doc. E8-325 Filed 1-10-08; 8:45 am]

**BILLING CODE 6450-01-P**

**SMALL BUSINESS ADMINISTRATION**

**13 CFR Part 101**

**RIN 3245-AF68**

**Seals and Insignia**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Direct final rule.

**SUMMARY:** The U.S. Small Business Administration (SBA) is revising its regulations specifying the description and authorized use of its official seal. These revisions will further define the authorized and unauthorized use of the official seal by SBA and add criteria for approving and denying requests to use the official seal.

SBA believes that this rule is non-controversial, and the Agency anticipates no significant adverse comment. If SBA receives a significant adverse comment, it will withdraw the rule.

**DATES:** This rule is effective February 25, 2008 without further action, unless significant adverse comment is received by February 11, 2008. If significant adverse comment is received, SBA will publish a timely withdrawal of the rule in the **Federal Register**.

**ADDRESSES:** You may submit comments, identified by RIN 3245-AF68, by one of the following methods: (1) Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments; or (2) Mail/Hand Delivery/Courier: Julie Clowes, Attorney Advisor, Office of

General Counsel, 409 Third Street, SW., Washington, DC 20416.

SBA will post all comments on <http://www.Regulations.gov>. If you wish to submit comments that contain confidential business information (CBI) as defined in the User Notice at <http://www.Regulations.gov>, please submit the comments to Julie Clowes, at 409 Third Street, SW., Washington, DC 20416, or send an e-mail to [julie.clowes@sba.gov](mailto:julie.clowes@sba.gov). Highlight the comments that you consider to contain the CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make the final determination of whether it will publish the information or not.

**FOR FURTHER INFORMATION CONTACT:** Julie Clowes, Office of General Counsel, at (202) 619-0445 or by e-mail at: [julie.clowes@sba.gov](mailto:julie.clowes@sba.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Statutory Authority and Background**

Section 5(a) of the Small Business Act (15 U.S.C. 634(a)) gives SBA the power to adopt, alter and use a seal which shall be judicially noticed. When initially created, the official seal was only used to certify or authenticate official SBA records. SBA's regulations at 13 CFR 101.105 were narrowly constructed to reflect that one use. Through the years, the Agency has discovered a need to formally identify itself to the public through use of the official seal. This revision to 13 CFR 101.105 broadens SBA's regulatory authority to use its official seal and establishes penalties for unauthorized use.

In order to gain a better understanding of what may or may not be an appropriate use of an official Federal agency seal, SBA first researched the Federal laws affecting use of an agency's seal and the seal regulations of other Federal agencies. The research showed that use of seals by Federal agencies is rather varied. Many agencies authorize use for marketing and outreach purposes such as awards, certificates, plaques, flags, business cards, signage and publications. Because this type of use identifies with the mission of the Agency, SBA incorporated these marketing uses into the revised regulations.

Additionally, SBA identified unauthorized uses of the seal, emphasizing the need to prevent an actual or implied endorsement of a commercial product or service. A subsection on how to request written permission from the Administrator to

use the SBA seal and a statement of the penalties, as defined in the U.S. Code, were also incorporated into the revised regulations.

The Agency believes there is good cause to bypass notice and comment and proceed to a direct final rule pursuant to 5 U.S.C. 553(b). The rule is non-controversial and merely alters who may use SBA's official seal and for what purpose. Because this rule only impacts Agency procedure and practice, notice and comment is unnecessary. Although SBA believes this direct final rule will not elicit any significant adverse comments, if such comments are received, SBA will publish a timely notice of withdrawal in the **Federal Register**.

**B. Compliance With Executive Orders 12866, 12988, and 13132, the Paperwork Reduction Act (44 U.S.C. Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601-602)**

The Office of Management and Budget (OMB) has determined that this rule does not constitute a significant regulatory action under Executive Order 12866.

This rule meets applicable standards set forth in §§ 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. This action does not have retroactive or preemptive effect.

This rule will not have substantial direct effects on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, for the purposes of Executive Order 13132, SBA determines that this rule has no federalism implications warranting preparation of a federalism assessment.

SBA has determined that this rule does not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C., Chapter 35.

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601, requires administrative agencies to consider the effect of their actions on small entities, small non-profit enterprises, and small local governments. Pursuant to the RFA, when an agency issues a rule, the agency must prepare a regulatory flexibility analysis which describes the impact of the rule on small entities. However, section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. In this case,

the regulations address the administrative requirements for the Agency's use of its official seal. In other words, this rule will not result in the direct regulation of small entities, so no further analysis is required by the RFA. Therefore, SBA certifies that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of RFA.

**List of Subjects in 13 CFR Part 101**

Administrative practice and procedure, Authority delegations, Intergovernmental relations, Investigations, Organizations and functions, Reporting and recordkeeping requirements, Seals and insignia.

■ For the reasons set forth in the preamble, amend part 101 of title 13 of the Code of Federal Regulations as follows:

**PART 101—ADMINISTRATION**

■ 1. The authority citation for part 101 continues to read as follows:

**Authority:** 5 U.S.C. 552 and App. 3, secs. 2, 4(a), 6(a), and 9(a)(1)(T); 15 U.S.C. 633, 634, 687; 31 U.S.C. 6506; 44 U.S.C. 3512; E.O. 12372 (July 14, 1982), 47 FR 30959, 3 CFR, 1982 Comp., p. 197, as amended by E.O. 12416 (April 8, 1983), 48 FR 15887, 3 CFR, 1983 Comp., p. 186.

■ 2. Revise § 101.105 to read as follows:

**§ 101.105 Who may use SBA's official seal and for what purpose?**

(a) *General.* This section describes the official seal of the SBA and prescribes rules for its use.

(b) *Official Seal.* The official seal of the SBA is illustrated below.



(c) *Authorized Use.* The official seal and reproductions of the seal may only be used as follows:

(1) Certify and authenticate originals and copies of any books, records, papers or other documents on file within SBA or extracts taken from them or to provide certification for the purposes authorized in 28 U.S.C. 1733;

- (2) SBA award certificates and medals;
- (3) SBA awards for career service;
- (4) Security credentials and employee identification cards;
- (5) Business cards for SBA employees;
- (6) Official SBA signs;
- (7) Plaques; the design of the SBA seal may be incorporated in plaques for display in Agency auditoriums, presentation rooms, lobbies, offices and on buildings occupied by SBA;
- (8) The SBA flag;
- (9) Officially authorized reports or publications of the SBA; or
- (10) For such other purposes as determined necessary by the Administrator.

(d) *Unauthorized use.* The official seal shall not be used, except as authorized by the Administrator, in connection with:

- (1) Contractor operated facilities;
- (2) Souvenir or novelty items;
- (3) Toys or commercial gifts or premiums;
- (4) Letterhead design, except on official SBA stationery;
- (5) Clothing or equipment; or
- (6) Any article which may disparage the seal or reflect unfavorably upon SBA.

(e) SBA's seal will not be used in any manner which implies SBA endorsement of commercial products or services or of the user's policies or activities.

(f) *Reproduction of Official Seal.* Requests for permission to reproduce the SBA seal in circumstances other than those listed in paragraph (c) of this section must be made in writing to the Administrator. The decision whether to grant permission will be made in writing on a case-by-case basis, in consultation with the General Counsel, with consideration of any relevant factors which may include the benefit or cost to the Agency of granting the request; the unintended appearance of endorsement or authentication by SBA; the potential for misuse; the reputability of the use; the extent of control by SBA over the use; and the extent of control by SBA over distribution of any products or publications bearing the SBA seal.

(g) *Penalties for Unauthorized Use.* Fraudulent or wrongful use of SBA's seal can lead to criminal penalties under 18 U.S.C. 506 or 18 U.S.C. 1017.

Dated: January 4, 2008.

**Steven C. Preston,**  
Administrator.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2007-0047; Directorate Identifier 2007-NM-197-AD; Amendment 39-15329; AD 2008-01-04]

RIN 2120-AA64

#### Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** We are superseding an existing airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

\* \* \* \* \*

The Bombardier CL-600-2B19 airplanes have had a history of flap failures at various positions for several years. Flap failure may result in a significant increase in required landing distances and higher fuel consumption than planned during a diversion. \* \* \*

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective February 15, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 5, 2007 (72 FR 46555, August 21, 2007).

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Dan Parrillo, Aerospace Engineer, Systems and Flight Test Branch, ANE-172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7305; fax (516) 794-5531.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would

apply to the specified products. That NPRM was published in the **Federal Register** on October 17, 2007 (72 FR 58763) and proposed to supersede AD 2007-17-07, Amendment 39-15165 (72 FR 46555, August 21, 2007). That NPRM proposed to correct an unsafe condition for the specified products.

That NPRM proposed to retain the requirements of AD 2007-17-07, i.e., revising the airplane flight manual (AFM) to incorporate Canadair Regional Jet Temporary Revision (TR) RJ/165, dated July 6, 2007, into the AFM; adding operational procedures into the AFM; training flight crewmembers and operational control/dispatch personnel on the operational procedures; and doing corrective "maintenance actions."

That NPRM also proposed to require training flight crewmembers on reduced or zero flap landing, and doing additional corrective "maintenance actions" that include a pressure test of the flexible drive-shaft, and corrective actions if necessary. You may obtain further information by examining the MCAI in the AD docket.

#### Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

#### Request To Exclude Certain Parts From Inspection

Comair requests that we exclude from the proposed actions actuators with less than 2,000 flight hours since new or since repair as of July 12, 2007 (the issue date of Bombardier Service Bulletin 601R-27-150). Comair states that those actuators would not require the inspections of Part C of the Accomplishment Instructions of the service bulletin. Comair suggests that paragraph "(f)(3)" of the NPRM contain a statement qualifying under what conditions flap actuators must comply with Part C of the service bulletin by stating that new actuators, and those recently repaired where it can be shown that the inboard pinion shaft seals, part numbers (P/Ns) 853SC177-1/-2, were replaced, should be exempt from Part C (low temperature torque check test).

We infer that Comair meant to refer to paragraph (g)(3) of the NPRM. We referred to Bombardier Service Bulletin 601R-27-150 as the appropriate source of service information for accomplishing the actions specified in paragraph (g)(3) of the NPRM. Paragraph (g)(3) of the NPRM proposes to require doing actions in accordance with Part C of the service bulletin. We agree that the actions specified in paragraph (g)(3) of this AD apply only to certain actuators as specified in paragraph 1.D.,