

**§ 563b.670 [Amended]**

■ 18. Amend § 563b.670 by removing “the federal deposit insurance funds” and adding in its place “the Deposit Insurance Fund” in paragraph (b).

**§ 563b.675 [Amended]**

■ 19. Amend § 563b.675 by removing “the federal deposit insurance funds” and adding in its place “the Deposit Insurance Fund” in paragraph (b)(1).

**PART 570—SAFETY AND SOUNDNESS GUIDELINES AND COMPLIANCE PROCEDURES**

■ 20. The authority citation for part 570 continues to read as follows:

**Authority:** 12 U.S.C. 1462a, 1463, 1464, 1467a, 1828, 1831p–1, 1881–1884; 15 U.S.C. 1681s and 1681w; 15 U.S.C. 6801 and 6805(b)(1).

**Appendix A to Part 570 [Amended]**

■ 21. Amend paragraph I(vi) of Appendix A by removing “the deposit insurance funds” and adding in its place “the Deposit Insurance Fund”.

**PART 574—ACQUISITION OF CONTROL OF SAVINGS ASSOCIATIONS**

■ 22. The authority citation for part 574 continues to read as follows:

**Authority:** 12 U.S.C. 1467a, 1817, 1831i.

**§ 574.2 [Amended]**

■ 23. Remove and reserve § 574.2, paragraphs (e) and (o).

**§ 574.7 [Amended]**

■ 24. Amend § 574.7 as follows:

■ a. Remove “the SAIF or BIF; or” and add in its place “the Deposit Insurance Fund; or” in paragraph (c)(1)(i);

■ b. Remove “the SAIF or the BIF” and add in its place “the Deposit Insurance Fund” in paragraph (d)(6).

**PART 575—MUTUAL HOLDING COMPANIES**

■ 25. The authority citation for part 575 continues to read as follows:

**Authority:** 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1828, 2901.

**§ 575.7 [Amended]**

■ 26. Amend § 575.7 by removing “the relevant Federal deposit insurance fund,” and adding in its place “the Deposit Insurance Fund,” in paragraph (d)(6)(ii).

**PART 583—DEFINITIONS FOR REGULATIONS AFFECTING SAVINGS AND LOAN HOLDING COMPANIES**

■ 27. The authority citation for part 583 continues to read as follows:

**Authority:** 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1468.

■ 28. Revise § 583.3 to read as follows:

**§ 583.3 Bank.**

The term *bank* means any national bank, state bank, state-chartered savings bank, cooperative bank, or industrial bank, the deposits of which are insured by the Deposit Insurance Fund.

**§ 583.5 [Removed]**

■ 29. Remove and reserve § 583.5.

**§ 583.19 [Removed]**

■ 30. Remove and reserve § 583.19.

Dated: March 31, 2006.

By the Office of Thrift Supervision.

**John M. Reich,**

*Director.*

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**SMALL BUSINESS ADMINISTRATION****13 CFR Part 121**

**RIN 3245–AE92**

**Small Business Size Standards; Correction**

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

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains a correction to the final regulations which were published in the **Federal Register** of Friday, May 21, 2004 (69 FR 29192). The regulations amended several definitions and made procedural and technical amendments to cover several of the U.S. Small Business Administration’s (SBA’s or Agency’s) programs.

**DATES:** Effective April 18, 2006.

**FOR FURTHER INFORMATION CONTACT:** Gary Jackson, Assistant Administrator, Office of Size Standards, (202) 205–6618, or [sizestandards@sba.gov](mailto:sizestandards@sba.gov).

**SUPPLEMENTARY INFORMATION:****Background**

On May 21, 2004 the SBA published a final rule amending its size regulations (69 FR 29192). These regulations are used to determine eligibility for all SBA and Federal programs that require an entity to be a small business concern. Section 121.404 was amended to

address the treatment of the acquisition of a small business concern by another concern during contract performance. Specifically, the final regulation states that the new entity must submit a written self-certification that it is small to the procuring agency so that the agency can count the award, options or orders issued pursuant to the contract towards its small business goals. In the preamble to the final rule, however, the SBA explained that the

amended regulations now state that the new entity must submit a written self-certification that it is small to the procuring agency so that the agency can count the award options, or orders issued pursuant to that contract, towards its small business goals.

69 FR 29192, 29198 (May 21, 2004). According to the preamble, it is clear that the self-certifications for novations and change-of-name agreements affected the subsequent options and orders, but not the original contract award or any option or order executed before the novation or change-of-name agreement.

**Need for Correction**

The final regulatory text, however, contained an error that has caused some confusion. The SBA misplaced a comma in the final rule, which has caused many readers to interpret section 121.404 to require concerns to submit a self-certification as a small business at the time of a novation or change-of-name so that the procuring agency can count the original contract award towards its small business goals. This interpretation is incorrect, however, as the procuring agency was already given credit towards its small business goals for the original contract award. Section 121.404 is only meant to address whether the procuring agency can count any future award options or orders issued pursuant to the contract toward the agency’s small business goals, if there has been a novation or change-of-name during contract performance. Therefore, the removal of the comma after the word award will eliminate any doubt as to the SBA’s intent regarding this provision.

**List of Subjects in 13 CFR Part 121**

Administrative practice and procedure, Government procurement, Government property, Grant programs—business, Loan programs—business, Small businesses.

■ Accordingly, 13 CFR part 121 is corrected by making the following correcting amendment:

**PART 121—SMALL BUSINESS SIZE REGULATIONS**

■ 1. The authority citation for part 121 continues to read as follows:

**Authority:** 15 U.S.C. 632, 634(b)(6), 636(b), 637(a), 644, and 662(5); and Pub.L. 105–135, sec. 401 *et seq.*, 111 Stat. 2592.

■ 2. Revise paragraph (i) of § 121.404 to read as follows:

**§ 121.404 When does SBA determine the size status of a business concern?**

\* \* \* \* \*

(i) At the time a novation or change-of-name agreement has been executed pursuant to FAR subject 42.12, the new entity must submit a written self-certification that it is small to the procuring agency so that the agency can count the award options, or orders issued pursuant to the contract, towards its small business goals.

\* \* \* \* \*

Dated: March 14, 2006.

**Anthony Martoccia,**

*Associate Deputy Administrator for Government Contracting and Business Development.*

[FR Doc. 06–3672 Filed 4–17–06; 8:45 am]

**BILLING CODE 8025–01–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2006–24370; Airspace Docket No. 06–ACE–3]

**Modification of Class E Airspace; Mason City Municipal Airport, IA**

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

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This action amends Title 14 Code of Federal Regulations, part 71 (14 CFR 71) by revising Class E airspace areas at Mason City Municipal Airport, IA. A review of the Class E airspace surface area and the Class E airspace area extending upward from 700 feet above ground level (AGL) revealed neither area complies with criteria in FAA Orders. These airspace areas and their legal descriptions are modified to conform to the criteria in FAA Orders.

**DATES:** This direct final rule is effective on 0901 UTC, August 3, 2006. Comments for inclusion in the Rules Docket must be received on or before June 1, 2006.

**ADDRESSES:** Send comments on this proposal to the Docket Management

System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2006–24370/Airspace Docket No. 06–ACE–3, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

**FOR FURTHER INFORMATION CONTACT:**

Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

**SUPPLEMENTARY INFORMATION:** This amendment to 14 CFR 71 modifies the Class E airspace surface area and the Class E airspace area extending upward from 700 feet AGL at Mason City Municipal Airport, IA. A review of the Class E airspace surface area and the Class E airspace area extending upward from 700 feet AGL revealed neither area complies with criteria in FAA Orders required for diverse departures. The radius of the Class E airspace surface area is expanded from within a 4.2-mile radius to within a 4.5-mile radius of the airport and the radius of the Class E airspace area extending upward from 700 feet AGL is expanded from within a 6.7-mile radius to within a 7-mile radius of the airport. These modifications bring the legal description of the Mason City Municipal Airport, IA Class E airspace area into compliance with FAA Orders 7400.2F and 8260.19C. Class E airspace areas designated as surface areas are published in Paragraph 6002 of FAA Order 7400.9N, Airspace Designations and Reporting Points, dated September 1, 2005, and effective September 16, 2005, which is incorporated by reference in 14 CFR 71.1. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of the same Order. The Class E airspace designations listed in this document would be published subsequently in the Order.

**The Direct Final Rule Procedure**

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is

issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

**Comments Invited**

Interested parties are invited to participate in this rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket No. FAA–2006–24370/Airspace Docket No. 06–ACE–3.” The postcard will be date/time stamped and returned to the commenter.

**Agency Findings**

The regulations adopted herein 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this