

the types of money transfer instruments permissible under § 701.30 are not limited to electronic funds transfers. The rule permits an FCU to cash or sell checks, money orders, and other similar money transfer instruments. While the rule does not contain an exhaustive list of permissible money transfer instruments, it specifically includes electronic funds transfers. To the extent FCUs provide money transfer instruments that fall within the definition of electronic funds transfer under Regulation E, they must, of course, comply with Regulation E requirements.

The Board notes that electronic funds transfers under Regulation E are excluded from the definition of "transmittal of funds" in the Department of Treasury's anti-money laundering regulations. 31 CFR part 103. This definition, however, does not affect FCU authority to provide wire transfers under § 701.30. FCUs providing wire transfer services and electronic funds transfers under § 701.30 must comply with the applicable requirements of 31 CFR part 103.

Two commenters requested NCUA provide guidance regarding FCU compliance with other statutes and regulations, e.g. the Bank Secrecy Act (Pub. L. 91-508), the Customer Identification Program regulation (31 CFR 103.121), NCUA security rules (12 CFR part 748), financial privacy rules (12 CFR part 716), and so forth. One of these commenters recommended NCUA establish a working group to discuss compliance requirements associated with FCUs providing financial services to nonmembers within their fields of membership. The Board believes additional guidance or a working group is unnecessary because this rule does not create any additional requirements for FCUs than there are for other financial institutions. The Board only cautions FCUs to ensure they comply with all applicable statutory or regulatory requirements if they elect to provide financial services to persons with whom the FCUs may have infrequent or irregular contact.

Finally, one commenter correctly noted the interim final rule failed to make a conforming change to the 12-year maturity limit in the current rule regarding due-on-sale clauses. 12 CFR 701.21(g)(6)(ii). Accordingly, the final rule revises this reference to reflect the change in the general lending maturity limit to 15 years.

## Regulatory Procedures

### *Regulatory Flexibility Act*

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a rule may have on a substantial number of small credit unions, defined as those under ten million dollars in assets. This rule clarifies and improves the available services FCUs may provide to their members and persons within their fields of membership, without imposing any regulatory burden. The final amendments do not have a significant economic impact on a substantial number of small credit unions, and, therefore, a regulatory flexibility analysis is not required.

### *Paperwork Reduction Act*

NCUA has determined that the final rule would not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget. 44 U.S.C. 3501 *et seq.*; 5 CFR part 1320.

### *Executive Order 13132*

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. The final rule would not have substantial direct effects on the states, on the connection between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this rule does not constitute a policy that has federalism implications for purposes of the executive order.

### *The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families*

The NCUA has determined that this final rule would not affect family well-being within the meaning of § 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105-277, 112 Stat. 2681 (1998).

### *Small Business Regulatory Enforcement Fairness Act*

The Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. 104-121 (SBREFA), provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA

issues a final rule as defined by Section 551 of the Administrative Procedure Act. 5 U.S.C. 551. The Office of Management and Budget has determined that this final rule is not a major rule for purposes of SBREFA.

### List of Subjects in 12 CFR Part 701

Check, Check cashing, Credit, Credit unions, Electronic funds transfer, Money order, Money transfer.

■ For the reasons set forth in the preamble, the Board amends 12 CFR part 701 as set forth below.

By the National Credit Union Administration Board on February 15, 2007.

**Mary F. Rupp,**  
*Secretary of the Board.*

■ Accordingly, the interim rule amending 12 CFR part 701, which was published at 71 FR 62875 on October 27, 2006, is adopted as a final rule with the following change:

### **PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS**

■ 1. The authority citation for part 701 continues to read as follows:

**Authority:** 12 U.S.C. 1752(5), 1757, 1765, 1766, 1781, 1782, 1787, 1789; Title V, Pub. L. 109-351; 120 Stat. 1966.

■ 2. Amend Section 701.21 by removing "greater than twelve years" in the first sentence and adding in its place "greater than fifteen years" in paragraph (g)(6)(ii).

[FR Doc. E7-2902 Filed 2-21-07; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2006-25941; Airspace Docket No. 06-ACE-11]

#### Modification of Class E Airspace; Creston, IA

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

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This document confirms the effective date of the direct final rule which revises Class E airspace at Creston, IA.

**EFFECTIVE DATE:** 0901 UTC, March 15, 2007.

**FOR FURTHER INFORMATION CONTACT:** Grant Nichols, System Support, DOT

Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2522.

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a request for comments in the **Federal Register** on December 28, 2006 (71 FR 78054). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on March 15, 2007. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Fort Worth, Texas, on February 6, 2007.

**Ronnie Uhlenhaker,**

*Manager, System Support Group, ATO Central Service Area.*

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 54

[TD 9298]

RIN 1545-AY32

#### **Nondiscrimination and Wellness Programs in Health Coverage in the Group Market; Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains correction to final regulations (TD 9298) that were published in the **Federal Register** on Wednesday, December 13, 2006 (71 FR 75014) governing the provisions prohibiting discrimination based on a health factor for group health plans and issuers of health insurance coverage offered in connection with a group health plan.

**DATES:** The correction is effective February 12, 2007.

**FOR FURTHER INFORMATION CONTACT:** Russ Weinheimer, (202) 622-6080 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

### **Background**

The correction notice that is the subject of this document is under section 9802 of the Internal Revenue Code.

### **Need for Correction**

As published, final regulations (TD 9298) contain errors that may prove to be misleading and are in need of clarification.

### **List of Subjects in 26 CFR Part 54**

Excise taxes, Health care, Health insurance, Pensions, Reporting and recordkeeping requirements.

### **Correction of Publication**

■ Accordingly, 26 CFR part 54 is corrected by making the following correcting amendments:

### **PART 54—PENSION EXCISE TAXES**

■ **Paragraph 1.** The authority citation for part 54 continues to read, in part, as follows:

*Authority:* 26 U.S.C. 7805 \* \* \*

■ **Par. 2.** Section 54.9802-1(b)(2)(i)(D) is amended by revising paragraph (ii) of *Example 4*.

■ **Par. 3.** Section 54.9802-1(f)(1) is amended by revising the first sentence of the paragraph.

The revisions read as follows:

#### **§ 54.9802-1 Prohibiting discrimination against participants and beneficiaries based on a health factor.**

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(i) \* \* \*

(D) \* \* \*

*Example 4.* \* \* \*

(i) \* \* \*

(ii) *Conclusion.* In this *Example 4*, the limit does not violate this paragraph (b)(2)(i) because \$2,000 of benefits for the treatment of TMJ are available uniformly to all similarly situated individuals and a plan may limit benefits covered in relation to a specific disease or condition if the limit applies uniformly to all similarly situated individuals and is not directed at individual participants or beneficiaries. (This example does not address whether the plan provision is permissible under the Americans with Disabilities Act or any other applicable law.)

\* \* \* \* \*

(f) \* \* \*

(1) If none of the conditions for obtaining a reward under a wellness program are based on an individual satisfying a standard that is related to a health factor (or if a wellness program

does not provide a reward), the wellness program does not violate this section, if participation in the program is made available to all similarly situated individuals. \* \* \*

\* \* \* \* \*

**LaNita Van Dyke,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. E7-2958 Filed 2-21-07; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### **33 CFR Part 1; 46 CFR Parts 1 and 10**

[USCG-2006-25535]

RIN 1625-ZA09

#### **Mariner Licensing and Documentation Program Restructuring and Centralization; Correction**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Correcting Amendment.

**SUMMARY:** The Coast Guard is correcting a technical amendment that appeared in the **Federal Register** on August 21, 2006. That technical amendment authorized the Commanding Officer of the National Maritime Center (NMC) to perform certain mariner credentialing functions in addition to Officers in Charge, Marine Inspection, who currently perform those functions. At the end of a transitional period, most credentialing functions will be consolidated at a centralized location. The technical amendment also made technical changes to the mariner credentialing appellate process.

**DATES:** These changes are effective March 26, 2007.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this amendment, call Mr. Gerald Miente, Project Manager, Maritime Personnel Qualifications Division (CG-3PSO-1), U.S. Coast Guard, telephone 202-372-1407. If you have questions on viewing the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202-493-0402.

**SUPPLEMENTARY INFORMATION:**

#### **Background and Purpose**

The Coast Guard is correcting a technical amendment that appeared in the **Federal Register** on August 21, 2006 (71 FR 48480). That technical amendment authorized the Commanding Officer of the NMC to