

to this amendment because the change to be effected corrects an inadvertent deletion from the rule as proposed, is necessary to prevent confusion in the administration of the Board's processing guidelines for nonexpedited notices under section 4 of the BHC Act, is technical and procedural in nature, and does not constitute a substantive rule subject to the requirements of that section. Moreover, because it restores a statutorily required processing schedule, the proposal reduces burden by assuring timely processing of applications subject to System action.

**List of Subjects in 12 CFR Part 225**

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in the preamble, the Board amends part 225 of chapter II of title 12 of the Code of Federal Regulations as follows:

**PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)**

1. The authority citation for part 225 continues to read as follows:

**Authority:** 12 U.S.C. 1817(j)(13), 1818, 1828o, 1831i, 1831p-1, 1843(c)(8), 1844(b), 1972(1), 3106, 3108, 3310, 3331-3351, 3907, and 3909.

2. Under subpart C, § 225.24 is amended as follows:

- a. Paragraph (d)(2) is revised;
- b. Paragraphs (d)(3) and (d)(4) are redesignated as paragraphs (d)(4) and (d)(5); and
- c. A new paragraph (d)(3) is added.

The revision and addition read as follows:

**§ 225.24 Procedures for other nonbanking proposals.**

\* \* \* \* \*

(d) \* \* \*

(2) *Board action; internal schedule.*

The Board seeks to act on every notice referred to it for decision within 60 days of the date that the notice is filed with the Reserve Bank. If the Board is unable to act within this period, the Board shall notify the notificant and explain the reasons and the date by which the Board expects to act.

(3)(i) *Required time limit for System action.* The Board or the Reserve Bank shall act on any notice under this section within 60 days after the submission of a complete notice.

(ii) *Extension of required period for action (A) In general.*—The Board may extend the 60-day period required for Board action under paragraph (d)(3)(i) of

this section for an additional 30 days upon notice to the notificant.

(B) *Unlisted activities.* If a notice involves a proposal to engage in an activity that is not listed in § 225.28, the Board may extend the period required for Board action under paragraph (d)(3)(i) of this section for an additional 90 days. This 90-day extension is in addition to the 30-day extension period provided in paragraph (d)(3)(ii)(A) of this section. The Board shall notify the notificant that the notice period has been extended and explain the reasons for the extension.

\* \* \* \* \*

3. Under subpart C, § 225.25 is amended by revising paragraph (b)(1) as follows:

**§ 225.25 Hearings, alteration of activities, and other matters.**

\* \* \* \* \*

(b) *Approval through failure to act.* (1) Except as provided in paragraph (a) of this section or § 225.24(d)(5), a notice under this subpart shall be deemed to be approved at the conclusion of the period that begins on the date the complete notice is received by the Reserve Bank or the Board and that ends 60 calendar days plus any applicable extension and tolling period thereafter.

\* \* \* \* \*

By order of the Board of Governors of the Federal Reserve System, under delegated authority, November 6, 1997.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 97-29762 Filed 11-10-97; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 25**

[Docket No. NM-144; Special Conditions No. 25-ANM-134]

**Special Conditions: Learjet Inc. Model 55 Airplane; High Intensity Radiated Fields (HIRF)**

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

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for Learjet Model 55 airplanes modified by Learjet. These airplanes will have novel and unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These special conditions contain the additional safety

standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the existing airworthiness standards.

**DATES:** The effective date of these special conditions is October 31, 1997. Comments must be received on or before December 29, 1997.

**ADDRESSES:** Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attn: Rules Docket (ANM-7), Docket No. NM-144, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked: Docket No. NM-144. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Connie Beane, FAA, Standardization Branch, ANM-113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; telephone (425) 227-2796; facsimile (425) 227-1149.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special condition number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM-144." The postcard will be date stamped and returned to the commenter.

**Background**

On August 27, 1997, Learjet Inc. applied for a supplemental type

certificate (STC) to modify Learjet Model 55 airplanes listed on Type Certificate A10CE. The modification incorporates the installation of a digital electronic flight instrument system (EFIS) for display of critical flight parameters (attitude) to the crew. These displays can be susceptible to disruption to both command/response signals as a result of electrical and magnetic interference. This disruption of signals could result in loss of all critical flight displays and annunciations or present misleading information to the pilot.

**Type Certification Basis**

Under the provisions of 14 CFR 21.101, Learjet Inc. must show that the Learjet Model 55 airplane, as changed, continues to meet the applicable provisions of the regulations incorporated by reference in Type Certificate A10CE, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The certification basis for the modified Model 55 airplane includes 14 CFR part 25, as amended by Amendments 25-2 through 25-4, 25-7, 25-10, 25-12, 25-18, 25-21, 25-30, and certain later amendments, special conditions, exemptions, and optional requirements listed in the type certificate data sheet that are not relevant to these special conditions. In addition, the certification basis for the modifications, and for areas affected by the modifications, will be amended to include the following sections:

Section	Amendment	Title
25.901 .....	25-38	Installation.
25.1301(d)	25-38	Function and Installation.
25.1303 ....	25-38	Flight and navigation instruments.
25.1309 ....	25-41	Equipment, systems, and installations.
25.1321 ....	25-41	Arrangement and visibility.
25.1322 ....	25-38	Warning, caution, and advisory lights.
25.1331 ....	25-41	Instruments using a power supply.
25.1333 ....	25-41	Instrument systems.
25.1335 ....	25-41	Flight director systems.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety standards for the Learjet Model 55 airplane because of novel or unusual design features, special conditions are

prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with 14 CFR 11.49 after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should Learjet Inc. apply at a later date for design change approval to modify any other model already included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

**Novel or Unusual Design Features**

The modified Learjet Model 55 will incorporate a new electronic flight instrument system that performs critical functions. This system may be vulnerable to HIRF external to the airplane.

**Discussion**

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the Learjet Model 55, which require that new electrical and electronic systems, such as the EFIS, that perform critical functions be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

**High-Intensity Radiated Fields (HIRF)**

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit

window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraphs 1, or 2 below:

1. A minimum threat of 100 volts per meter peak electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated.

Frequency	Peak (V/M)	Average (V/M)
10 KHz-100 KHz .....	50	50
100 KHz-500 KHz .....	60	60
500 KHz-2 MHz .....	70	70
2 MHz-30 MHz .....	200	200
30 MHz-100 MHz .....	30	30
100 MHz-200 MHz .....	150	33
200 MHz-400 MHz .....	70	70
400 MHz-700 MHz .....	4,020	935
700 MHz-1 GHz .....	1,700	170
1 GHz-2 GHz .....	5,000	990
2 GHz-4 GHz .....	6,680	840
4 GHz-6 GHz .....	6,850	310
6 GHz-8 GHz .....	3,600	670
8 GHz-12 GHz .....	3,500	1,270
12 GHz-18 GHz .....	3,500	360
18 GHz-40 GHz .....	2,100	750

**Applicability**

As discussed above, these special conditions are applicable to Learjet Model 55 airplanes modified by Learjet. Should Learjet apply at a later date for design change approval to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

**Conclusion**

This action affects only certain design features on Learjet Model 55 airplanes modified by Learjet. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of the special conditions for this airplane has been subjected to the notice and comment procedure in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein.

For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions immediately. Therefore, these special conditions are being made effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

#### List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

#### The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Learjet Model 55 airplanes modified by Learjet Inc.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high intensity radiated fields.

For the purpose of these special conditions, the following definition applies:

*Critical Functions.* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on October 31, 1997.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.*

[FR Doc. 97-29730 Filed 11-10-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-219-AD; Amendment 39-10199; AD 97-23-11]

RIN 2120-AA64

#### Airworthiness Directives; Dornier Model 328-100 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328-100 series airplanes, that requires modifying the main landing gear (MLG) bay areas by installing additional slush protection covers in those areas. This amendment is prompted by the identification of a problem during flight test analysis, which indicated that slush can accumulate in the MLG bay areas. The actions specified by this AD are intended to prevent the accumulation of slush in the MLG bay areas, which could freeze and interfere with the landing gear or render it inoperative.

**DATES:** Effective December 17, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 17, 1997.

**ADDRESSES:** The service information referenced in this AD may be obtained from Dornier Deutsche Aerospace, P.O. Box 1103, D-82230 Wessling, Federal Republic of Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328-100 series airplanes was published in the **Federal Register** on March 12, 1997 (62 FR 11390). That action proposed to require modifying the main landing gear (MLG) bay areas by installing additional slush protection covers in those areas.

### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

### Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

### Cost Impact

The FAA estimates that 40 Dornier Model 328-100 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. The cost of required parts will be negligible. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$19,200, or \$480 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

### Regulatory Impact

The regulations adopted herein will not have substantial direct effects 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, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.