

similar document concerning the conduct of the activity;

(iii) A resolution by the applicant's board of directors, or evidence of approval by senior management if a resolution is not required pursuant to the applicant's organizational documents, authorizing the filing of the application;

(iv) A statement by the applicant of whether it is in compliance with §§ 347.210 and 347.211, Pledge of assets and Asset maintenance, respectively;

(v) A statement by the applicant that it has complied with all requirements of the Board of Governors concerning applications to conduct the activity in question and the status of each such application, including a copy of the Board of Governors' disposition of each such application, if applicable; and

(vi) A statement of why the activity will pose no significant risk to the Bank Insurance Fund.

(3) *Board of Governors application.* If the application to the Board of Governors contains the information required by paragraph (a) of this section, the applicant may submit a copy to the FDIC in lieu of a separate letter application.

(4) *Additional information.* The appropriate regional director (DOS) may request additional information to complete processing.

(b) *Divestiture or cessation—(1) Where to file.* Divestiture plans necessitated by a change in law or other authority, as required by § 347.213(e), shall be submitted in writing to the appropriate regional director (DOS) no later than 60 days after the disapproval or the triggering event.

(2) *Content of filing.* A complete letter application shall include the following information:

(i) A detailed description of the manner in which the applicant proposes to divest itself of or cease the activity in question; and

(ii) A projected timetable describing how long the divestiture or cessation is expected to take.

(3) *Additional information.* The appropriate regional director (DOS) may request additional information to complete processing.

(c) *Delegation of authority.* Authority is delegated to the Director and Deputy Director (DOS) and, where confirmed in writing by the Director, to an associate director and the appropriate regional director and deputy regional director, to approve plans of divestiture and cessation submitted pursuant to paragraph (b) of this section.

PART 351—[REMOVED]

17. Part 351 is removed.

PART 362—ACTIVITIES AND INVESTMENTS OF INSURED STATE BANKS

18. The authority citation of part 362 continues to read as follows:

Authority: 12 U.S.C. 1816, 1818, 1819 (tenth), 1831a.

19. In § 362.4, paragraph (c)(3)(i)(A) is revised to read as follows.

§ 362.4 Activities of insured state banks and their subsidiaries.

* * * * *

(c) * * *

(3) * * *

(i) * * *

(A) Directly guarantee the obligations of others as provided for in § 347.103(a)(1) of this chapter; and

* * * * *

By order of the Board of Directors.

Dated at Washington, D.C. this 24th day of March, 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98-8858 Filed 4-7-98; 8:45 am]

BILLING CODE 6714-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM145; Special Conditions No. 25-137-SC]

Special Conditions: Lockheed-Martin Model 382J, Automatic Thrust Control System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Lockheed-Martin Model 382J airplane. This airplane will have a novel or unusual design feature associated with an automatic thrust control system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards. **EFFECTIVE DATE:** May 8, 1998.

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.

SUPPLEMENTARY INFORMATION:

Background

On August 28, 1992, Lockheed-Martin applied for an amendment to Type Certificate No. A1S0 to include the new Model 382J. The Model 382J, which is a derivative of the Model 382G currently approved under Type Certificate No. A1S0, is a high wing/low tail configured four-engine turboprop airplane derived from the Lockheed C-130 Hercules military transport. The Model 382J incorporates a new Full Authority Digital Engine Control (FADEC), Allison engines with six blade composite propellers, a modernized cockpit including Electronic Flight Instrument Systems (EFIS), Engine Indication and Crew Alerting Systems (EICAS), and a Head Up Display (HUD) of primary flight information.

The increased thrust provided by the new engine/propeller installation would result in the Model 382J being limited by ground minimum control speed (VMCG) over a large part of the proposed takeoff operating envelope, which in turn would result in unbalanced takeoff field lengths that Lockheed-Martin finds unacceptable. In order to remedy this situation, Lockheed-Martin has developed an electronically controlled system that will monitor engine and propeller performance, and in the event of a failure of an outboard propulsion unit, will reduce the power setting on the functioning outboard engine to a level that permits compliance with the requirements of § 25.149(e); the operation of this system will thus optimize takeoff field lengths for the Model 382J.

Type Certification Basis

Under the provisions of § 21.101, Lockheed-Martin must show that the Model 382J meets the applicable provisions of the regulations incorporated by reference in Type Certificate No. A1S0 or the applicable regulations in effect on the date of application for the change to the Model 382J. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The regulations incorporated by reference in Type Certificate No. A1S0 are as follows:

The certification basis for the present Model 382 series airplanes is Civil Aviation Regulations (CAR) 9a, which references CAR 4b, effective December 31, 1953, including Amendments 4b-1 through 4b-11, SR422B, SR450A, and Amendment 4b-12 as related to CAR 4b.307(a).

The applicable certification basis for the Model 382J is part 25 of the Federal Aviation Regulations (FAR) through Amendment 25-80 for all new or significantly modified portions of the Model 382J (as compared to the present Model 382) and for unmodified portions of the airplane, the applicable certification standard will be the rules that were effective on February 1, 1965 (part 25, Amendment 25-0). In addition, the certification basis includes certain special conditions that are not relevant to these proposed special conditions.

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 Model 382J because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Model 382J must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), 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 the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified 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 Model 382J will incorporate the following novel or unusual design features:

The Lockheed Model 382J has an Automatic Control System which will, in the event of engine failure on the outboard engine, automatically feather the propeller on the engine and will automatically modulate the output torque on the opposite engine to reduce asymmetric thrust. This system is intended to allow the Model 382J to operate to takeoff decision speeds that result in balanced field lengths, when the decision speed would otherwise be constrained by ground minimum control speed (V_{MCG}).

The system is resident in each of the two outboard mission computers, which

will limit the differential torque between the two outboard engines by sending torque limit commands to each of the two Full Authority Digital Engine Controls on each engine. The differential torque limit is a function of ambient condition and airspeed, so that in the event of engine failure during takeoff the functional outboard engine will have its output torque momentarily reduced, and then gradually increased as the airplane continues to accelerate. At a certain point in the takeoff, the thrust is restored to its takeoff rated value. This torque differential limiting acts in a similar fashion if the power is manually reduced by retarding the power lever while the airplane is operating in the envelope of atmospheric conditions and airspeeds where the ATCS is designed to function.

Discussion of Comments

Notice of Proposed Special Conditions No. 25-98-01-SC for the Lockheed-Martin L382J airplane, was published in the **Federal Register** on January 14, 1998 (63 FR 2186). Two commenters responded to the notice. One commenter supports the notice. The other commenter questions the need for an override of the ATCS (Special Condition No. 3), stating this would only be of use to disable the system if it operated when not required and this should, by definition, be nonhazardous. The commenter likens the inadvertent power reduction on an outboard engine, without a failure of the opposite outboard engine, to a very mild engine failure. The commenter states this should be no more hazardous than a normal engine failure, for which the requirements of part 25 apply. The FAA does not disagree that the specific scenario presented by the commenter has a benign effect compared to the critical engine failure that is assumed in all of the part 25 takeoff performance determinations. There are other circumstances where a failure of the ATCS system that would partially reduce the power on a single engine might pose a hazard, for instance, a balked landing climb where the required gradient would not be achievable without obtaining rated power from all four engines. The FAA believes that requiring the installation of an override is necessary to achieve an adequate level of safety. The special condition also requires provisions to prevent inadvertent operation with the ATCS disabled by requiring clear annunciation of ATCS armed state (Special Condition No. 2.) and by incorporation into the takeoff configuration warning system.

Applicability

As discussed above, these special conditions are applicable to the Model 382J. Should Lockheed-Martin apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well under the provision of § 25.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Air transportation, Aircraft safety, Safety.

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 the Lockheed-Martin Model 382J airplane.

1. The Automatic Thrust Control System (ATCS) shall be designed so that the combined probability of engine failure and ATCS failure is extremely improbable (on the order of 1×10^{-9} per flight hour). Inadvertent operation of the ATCS shall be improbable (on the order of 1×10^{-5} per flight hour). These requirements may drive the necessity for automatic fault detection and annunciation and/or periodic functional checks. For the purposes of this requirement, the ATCS is intended to include but is not limited to, all engine failure detection means, all sensor inputs used to compute thrust modulation requirements, all communication provisions between system components (Mil-Std-1553 bus, for example), and actuation mechanisms for the propeller feathering and outboard engine thrust control.

2. Flight deck annunciation of the armed state of the ATCS shall be provided. ATCS failed or not armed must be incorporated into the takeoff configuration warning system, or alternatively, a visual annunciation can be incorporated if the annunciation lies within the primary field of view of both pilots.

3. Provisions for flightcrew override of the ATCS must be provided. The

provisions must be through power level actuation, or alternatively, through other means provided the means (1) is located on or forward of the power levers, (2) is easily identified and operated under all operating conditions by either pilot with the hand that is normally used to actuate the power levers, and (3) meets the location, sense of motion, and accessibility requirements of § 25.777(a), (b), and (c).

4. The critical engine must be identified for the performance requirements of paragraphs 5 and 6 below, i.e., the performance must account for failure of a critical outboard engine with the ATCS (including autofeather) operating, or failure of the critical inboard engine to a feathered propeller condition, whichever is more adverse.

5. The performance must conservatively account for the failure of the critical engine at the critical point in the takeoff path. The effect of the ATCS thrust modulation on the gross and net takeoff paths must be modeled into the published performance data. The approved takeoff distance established in accordance with § 25.113 must account for the adverse effect of ATCS on thrust-to-weight ratio.

6. The one-engine-inoperative climb gradient requirements of § 25.121 must be met at the critical power operating condition for each climb segment. The most critical adverse effect of the ATCS on the thrust-to-weight ratio must be accounted for in establishing the climb limited weights for all ambient conditions within the approved envelope.

7. The determination of minimum control speeds must account for the critical failure mode (ATCS controlled outboard engine failure versus feathered propeller inboard engine failure) for directional controllability.

8. Any reduced takeoff power procedures must be shown compatible with operation of the ATCS and must not result in any reduction in the level of safety established for operation of the airplane with normal takeoff power settings and ATCS operating.

9. The ATCS must clearly indicate to the crew when it has been activated, and indicate that the output torque from the modulated engine is being adequately controlled by the ATCS.

Issued in Renton, Washington, on March 31, 1998.

Darrell M. Pederson,

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

[FR Doc. 98-9211 Filed 4-7-98; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97-ASW-19]

Establishment of Class D Airspace: Fayetteville (Springdale), AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class D airspace extending upward from the surface to and including 3,800 feet mean sea level (MSL) within a 4.4-mile radius of the Northwest Arkansas Regional Airport at Fayetteville (Springdale), AR. An air traffic control tower will provide air traffic control services for pilots operating at Northwest Arkansas Regional Airport. The intended effect of this proposal is to provide adequate controlled airspace for aircraft operating in the vicinity of Northwest Arkansas Regional Airport, Fayetteville (Springdale), AR.

EFFECTIVE DATE: 0901 UTC, August 13, 1998.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193-0520, telephone 817-222-5593.

SUPPLEMENTARY INFORMATION:

History

On December 5, 1997, a proposal to amend 14 CFR Part 71 to establish Class D airspace at Northwest Arkansas Regional Airport, Fayetteville (Springdale), AR, was published in the **Federal Register** (62 FR 64321). The proposal was to establish Class D airspaces, controlled airspace extending upward from the surface to and including 3,800 feet MSL, at Northwest Arkansas Regional Airport, Fayetteville (Springdale), AR. The Northwest Arkansas Regional Airport is a new airport and provides service to the Fayetteville, Springdale, and Rogers, AR, area. An air traffic control tower at the airport will provide air traffic control services for aircraft operating at the airport and the FAA anticipates that it will be commissioned on or about August 13, 1998. The intended effect of this proposal is to provide adequate Class D airspace for aircraft operating in the vicinity of Northwest Arkansas Regional Airport, Fayetteville (Springdale), AR.

Interested parties were invited to participate in this rulemaking proceeding by submitting written

comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed. The coordinates for this airspace docket are based on North American Datum 83. Designated Class D airspace areas are published in Paragraph 5000 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the order.

The Rule

This amendment to 14 CFR Part 71 establishes the Class D airspace located at Northwest Arkansas Regional Airport, Fayetteville (Springdale), AR, to provide Class D airspace extending upward from surface to and including 3,800 feet MSL within a 4.4-mile radius of the Northwest Arkansas Regional Airport at Fayetteville (Springdale), AR.

The FAA has determined that this regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore (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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS [AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g) 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

12. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation