

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## FEDERAL DEPOSIT INSURANCE CORPORATION

### 12 CFR Part 327

RIN 3064-AD09

### Assessments: Paperwork Reduction Act Notice

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Notice of proposed rulemaking; supplemental notice.

**SUMMARY:** On October 2, 2009, the Federal Deposit Insurance Corporation (FDIC) issued a notice of proposed rulemaking with request for comments to amend its assessment regulations to require insured institutions to prepay, on December 30, 2009, their estimated quarterly risk-based assessments for the fourth quarter of 2009, and for all of 2010, 2011, and 2012. The FDIC would begin to offset prepaid assessments on March 30, 2010, representing payment for the fourth quarter of 2009 (*see* 74 FR 51063 (Oct. 2, 2009)). The FDIC is supplementing that notice of proposed rulemaking with a Paperwork Reduction Act analysis and seeking comment on the Paperwork Reduction Act implications of the proposed rule.

**DATES:** Comments on the Paperwork Reduction Act implications of the FDIC's Prepaid Assessments proposal must be received on or before October 28, 2009.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC concerning the Paperwork Reduction Act implications of this proposal. Such comments should refer to "Exemption Request and Transfer Notification, 3064-AD49". Comments may be submitted by any of the following methods:

- **Agency Web Site:** <http://www.fdic.gov/regulations/laws/federal/propose.html>. Follow instructions for submitting comments on the Agency Web Site.
- **E-mail:** [Comments@FDIC.gov](mailto:Comments@FDIC.gov). Include "Exemption Request and

Transfer Notification, 3064-AD49" in the subject line of the message.

- **Mail:** Robert E. Feldman, Executive Secretary, Attention: PRA Comments, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

- **Hand Delivery/Courier:** Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

All comments received will be posted without change to <http://www.fdic.gov/regulations/laws/federal/propose.html> including any personal information provided. A copy of the comments may also be submitted to the OMB desk officer for the FDIC, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Christopher Bellotto, Counsel, Legal Division, (202) 898-3801.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) the FDIC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The collection of information contained in this proposed rule is being submitted to OMB for review.

Comment is solicited on:

- (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) The quality, utility, and clarity of the information to be collected;
- (4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.*, permitting electronic submission of responses; and
- (5) Estimates of capital or start-up costs and costs of operation, maintenance, and purchases of services to provide information.

*Summary of the collections:* (1) An information collection would occur when an insured depository institution applies to the FDIC for an exemption from all or part of its assessment prepayment; the application would explain why the prepayment would significantly impair the institution's liquidity, or would otherwise create significant hardship, would contain a full explanation of the need for the exemption and include supporting documentation, such as current financial statements and cash flow projections, a description of management's plans to correct the circumstances that caused the inability to pay the assessment, and any other relevant information, including any information the FDIC may request. (2) An information collection would occur when an insured depository institution enters into an agreement to transfer any portion of its prepaid assessment to another insured depository institution, and notifies the FDIC's Division of Finance of that transaction by submitting a written agreement signed by the legal representatives of both institutions, including documentation that each representative has the legal authority to bind the institution.

### 1. Application for Exemption

*Need and Use of the Information:* Exemption requests would supplement the FDIC's exercise of its discretion as supervisor and insurer to exempt an institution from the prepayment requirement if the FDIC determines that the prepayment would adversely affect the safety and soundness of that institution.

*Respondents:* Insured depository institutions.

*Number of responses:* 30-200 by the December 1, 2009 deadline.

*Frequency of response:* Once.

*Average number of hours to prepare a response:* 8 hours.

*Total annual burden:* 240-1,600 hours for one-time exemption request.

### 2. Transfer of Prepaid Assessments

*Need and use of the information:* Institutions would be required to notify the FDIC of the transfer of prepaid assessments so that the FDIC can accurately track these transfers, and apply available prepaid assessments appropriately against institutions' deposit insurance assessments. The need for credit transfer information

would expire when the prepaid assessments have been exhausted or when remaining prepaid assessments are returned to the institution after December 30, 2014.

*Respondents:* Insured depository institutions.

*Number of responses:* 75 during the first year; 25 the second year and 10 in the final year.

*Frequency of response:* Occasional.

*Average number of hours to prepare a response:* 2 hours.

*Total annual burden:* 150 hours the first year; 50 hours the second year; and 20 hours in the third year.

By order of the Board of Directors.

Dated at Washington, DC, this 9th day of October 2009.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM415; Notice No. 25-09-11-SC]

#### Special Conditions: Boeing Model 787-8 Airplane; Lightning Protection of Fuel Tank Structure To Prevent Fuel Tank Vapor Ignition

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

**ACTION:** Notice of proposed special conditions.

**SUMMARY:** This action proposes special conditions for the Boeing Model 787-8 airplane. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The Boeing Model 787-8 airplane will incorporate a fuel tank nitrogen generation system (NGS) that actively reduces flammability exposure within the main fuel tanks significantly below that required by the fuel tank flammability regulations. Among other benefits, this significantly reduces the potential for fuel vapor ignition caused by lightning strikes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed 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.

**DATES:** We must receive your comments by November 30, 2009.

**ADDRESSES:** You must mail two copies of your comments to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM-113), Docket No. NM415, 1601 Lind Avenue, SW., Renton, Washington 98057-3356. You may deliver two copies to the Transport Airplane Directorate at the above address. You must mark your comments: Docket No. NM415. You may inspect comments in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

#### FOR FURTHER INFORMATION CONTACT:

Mike Dostert, FAA, ANM-112, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2132; facsimile (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite interested persons to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive as well as a report summarizing each substantive public contact with FAA personnel concerning these proposed special conditions. You may inspect the docket before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this notice between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive by the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change the proposed special conditions based on comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it back to you.

##### Background

On March 28, 2003, The Boeing Company applied for an FAA type

certificate for its new Boeing Model 787-8 passenger airplane. The Boeing Model 787-8 airplane will be a new design, two-engine turbo-jet transport category airplane with a two-aisle cabin configuration. The maximum takeoff weight will be 484,000 pounds, and it will carry a maximum of 381 passengers.

##### Type Certification Basis

Under provisions of 14 CFR 21.17, Boeing must show that Boeing Model 787-8 airplanes (hereafter referred to as "the 787") meet the applicable provisions of 14 CFR part 25, as amended by Amendments 25-1 through 25-117, with three exceptions. Sections 25.809(a) and 25.812 will remain as amended by Amendment 25-115, and § 25.981, which will be as amended by Amendment 25-125 in accordance with 14 CFR 26.37.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25) do not contain adequate or appropriate safety standards for the 787 because of novel or unusual design features, special conditions are prescribed under provisions of 14 CFR 21.16.

In addition to the applicable airworthiness regulations and special conditions, the 787 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. Finally, the FAA must also issue a finding of regulatory adequacy under § 611 of Public Law 92-574, the "Noise Control Act of 1972."

Special conditions, as defined in 14 CFR 11.19, are issued in accordance with § 11.38 and become part of the type certification basis in accordance with § 21.17(a)(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 or similar novel or unusual design features, the special conditions would also apply to the other model under § 21.101.

##### Novel or Unusual Design Features

The proposed 787 will have a fuel tank NGS that is intended to control fuel tank flammability. This NGS is designed to provide a level of performance that will reduce the warm day fleet average wing fuel tank flammability significantly below the maximum wing fuel tank flammability limits set in § 25.981(b), as amended by Amendment 25-125. This high level of wing fuel tank NGS performance is an unusual design feature not envisioned at the