

Except as authorized by this subpart or otherwise by the OCC, no current or former OCC employee or agent in any manner, may disclose or permit the disclosure of any non-public OCC information to anyone other than an employee or agent of the Comptroller for use in the performance of OCC duties.

(2) *Duty of person served.* Any current or former OCC employee or agent subpoenaed or otherwise requested to provide information covered by this subpart must immediately notify the OCC as provided in this paragraph. The OCC may intervene, attempt to have the compulsory process withdrawn, and register appropriate objections when a current or former OCC employee or agent receives a subpoena and the subpoena requires the current or former employee or agent to appear or produce OCC information. If necessary, the current or former employee or agent must appear as required and respectfully decline to produce the information sought, citing this subpart as authority and United States ex rel. Touhy v. Ragen, 340 U.S. 462 (1951). The current or former OCC employee or agent must immediately notify the OCC if subpoenaed or otherwise asked for non-public OCC information:

(i) In a civil action, by notifying the Director of the OCC's Litigation Division at the Washington, DC office; or

(ii) In a criminal action, by notifying the appropriate district counsel for current and former district employees or agents; or the Director of the OCC's Enforcement and Compliance Division at the Washington, DC office, for current and former Washington employees or agents.

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Dated: October 28, 1998.

Julie L. Williams,

Acting Comptroller of the Currency.

[FR Doc. 98-30044 Filed 11-9-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE147, Special Conditions No. 23-094-SC]

Special Conditions: Raytheon Aircraft Company, Model 3000, Airplane Design

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Raytheon Model 3000

airplane. This airplane will have novel or unusual design features associated with the digital electronic engine/propeller controls and the suction defueling system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. 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: December 10, 1998.

FOR FURTHER INFORMATION CONTACT:

Dave Keenan, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE-111, 601 East 12th Street, Kansas City, Missouri, 816-426-6934, fax 816-426-2169.

SUPPLEMENTARY INFORMATION:

Background

On January 15, 1996, Raytheon Aircraft Company (formerly Beech Aircraft Corporation) applied for a Type Certificate (TC) for their new Model 3000. The Model 3000 is an all-metal, low-wing monoplane of conventional construction, powered by a single Pratt & Whitney (P&W) PT6A-68 engine flat rated at 1100 SHP. The airframe will be stressed for 7g positive and 3.5g negative loading. Maximum takeoff weight will be 6,300 pounds. The crew compartment will be pressurized to a maximum differential of 3.6 psig and accommodate two pilots equipped with zero-zero ejection seats in a stepped tandem seating arrangement. The airplane will feature a 3,000 psi hydraulic system, powered by a single engine driven pump, to operate the landing gear, flaps, and speed brakes. The V_{MO} for the Model 3000 will be 320 KCAS, and the maximum altitude will be 31,000 feet MSL. Each cockpit will be equipped with electronic flight instruments for primary attitude, heading, and navigation information display.

Type Certification Basis

Under the provisions of 14 CFR part 21.17, Raytheon Aircraft Company must show that the Model 3000 meets the applicable provisions of part 23, effective February 1, 1965, as amended by Amendments 23-1 through 23-47; 14 CFR part 23, 23.201, 23.203, and 23.207, as amended by Amendment 23-50; 14 CFR part 34, effective September 10, 1990, as amended by the amendment in effect on the date of certification; 14 CFR part 36, effective December 1, 1969, as amended by Amendment 36-1 through the amendment in effect on the

day of certification; The Noise Control Act of 1972; and special conditions for Protection from High Intensity Radiated Fields (HIRF); exemptions, if any; equivalent level of safety findings, if any; and the special conditions adopted by this rulemaking action.

If the Administrator finds that the applicable airworthiness regulations (part 23) do not contain adequate or appropriate safety standards for the Model 3000 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 3000 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, and the FAA must issue a finding of regulatory adequacy pursuant to § 611 of Public Law 92-574, the "Noise Control Act of 1972."

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 § 21.17(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 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 3000 will incorporate the following novel or unusual design features:

Digital Electronic Engine Controls

The Model 3000 design includes a digital electronic engine/propeller control, known as a Power Management Unit (PMU). Although the precedent for electronic engine controls has been previously established, the PMU utilized on the Model 3000 performs functions not envisaged when part 23 was developed. With the Model 3000, the (Power Control Lever) PCL is a single lever, which has a mechanical and electrical interface to the PMU in order to produce "jet-like" thrust characteristics during rapid power changes and at low power conditions. PCL movement is transmitted to the PMU, which, in turn, controls fuel flow, gas generator speed, and propeller speed. Propeller pitch is not pilot controllable; therefore, a separate propeller control lever is not supplied.

During normal operation, propeller pitch is governed at 100 percent Np. Low airspeed and power combinations result in propeller pitch going to the mechanical low pitch stop (similar to a fixed-pitch propeller). During large power transitions below 100 percent Np (idle to takeoff power), the PMU will control propeller pitch. The PMU is utilized to control the thrust response of the engine-propeller combination and it prohibits operation of the engine-propeller combination in propeller RPM ranges with adverse vibration characteristics. There is no guidance in part 23 concerning the protection of the PMU from the indirect effects of lightning.

Suction Defuel Capability

The Model 3000 design includes a suction defuel capability not envisaged when part 23 was developed. It is understood that suction defuel is a common feature in part 25 airplanes. The Model 3000 airplane will have pressure fuel and defuel as well as gravity fuel and defuel capability. Pressure defueling essentially entails reversing the pumps on the fueling vehicle and "sucking" fuel from the airplane through the servicing port. Section 23.979 addresses pressure fueling but not suction defueling. Any suction defuel system components, in addition to meeting the general requirements for part 23 fuel systems, must also function as intended.

Discussion of Comments

Notice of proposed special conditions No. 23-98-03-SC for the Raytheon Aircraft Company Model 3000 was published in the **Federal Register** on August 27, 1998 (63 FR 45772). No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Model 3000. Should Raytheon Aircraft Company 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 provisions of § 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. 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 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR part 21, 21.16 and 21.17; and 14 CFR part 11, 11.28 and 11.49.

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 Raytheon Aircraft Company Model 3000 airplanes.

1. Digital Electronic Engine/Propeller Control (PMU)

(a) Any failure of the Power Management Unit must be annunciated to the crew.

(b) Failures of the Power Management Unit that affect flight characteristics must be identified and evaluated, and appropriate flight manual procedures developed, including possible prohibitions on continued flight or dispatch.

(c) The functioning of the Power Management Unit must be protected to ensure that the control will continue to perform critical functions (functions whose failure condition would prevent continued safe flight and landing) after the aircraft is exposed to lightning.

2. Suction Defuel

(a) The airplane defueling system (not including fuel tanks and fuel tank vents) must withstand an ultimate load that is 2.0 times the load arising from the maximum permissible defueling pressure (positive or negative) at the airplane fueling connection.

Issued in Kansas City, Missouri on October 26, 1998.

Marvin Nuss,

Assistant Manager, Small Airplane Directorate.

[FR Doc. 98-30091 Filed 11-9-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-SW-56-AD; Amendment 39-10874; AD 98-22-16]

Airworthiness Directives; Robinson Helicopter Company (RHC) Model R44 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 98-22-16 which was sent previously to all known U.S. owners and operators of RHC Model R44 helicopters by individual letters. This amendment supersedes AD 98-12-19, issued August 5, 1998, applicable to RHC Model R44 helicopters, that currently requires main rotor blade inspections and replacement if a crack is found. This amendment requires the same inspections as AD 98-12-19, but mandates replacement of all the affected main rotor blades prior to further flight after November 15, 1998. This amendment is prompted by an incident in which a crack was discovered in a main rotor blade. The actions specified by this AD are intended to prevent failure of a main rotor blade and subsequent loss of control of the helicopter.

DATES: Effective November 10, 1998, to all persons except those persons to whom it was made immediately effective by priority letter AD 98-22-16, issued on October 22, 1998, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before January 11, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98-SW-56-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Frederick Guerin, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, Airframe Branch, 3960 Paramount Blvd., Lakewood, California 90712, telephone (562) 627-5232, fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: On October 22, 1998, the FAA issued priority letter AD 98-22-16, applicable to RHC Model R44 helicopters, which