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**PART 352—NONDISCRIMINATION ON THE BASIS OF DISABILITY**

■ 3. The authority citation for part 352 continues to read as follows:

**Authority:** 12 U.S.C. 1819(a); 29 U.S.C. 794d.

■ 4. The second and third sentences of § 352.9(b) are revised to read as follows:

**§ 352.9 Communications.**

\* \* \* \* \*

(b) \* \* \* Interested persons may obtain such information by calling, writing or visiting the FDIC Office of Diversity and Economic Opportunity (ODEO), located at 3501 Fairfax Drive, Arlington, VA 22226. The FDIC telephone number is (877) 275-3342 or (703) 562-2473 (TTY).

\* \* \* \* \*

■ 5. The last sentence of § 352.10(c) is revised to read as follows:

**§ 352.10 Compliance procedures.**

\* \* \* \* \*

(c) \* \* \* All complaints should be sent to the FDIC's Office of Diversity and Economic Opportunity, 3501 Fairfax Drive, Arlington, VA 22226.

\* \* \* \* \*

Dated this 31st day of July, 2008.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. E8-18052 Filed 8-6-08; 8:45 am]

**BILLING CODE 6714-01-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2008-0837; Directorate Identifier 2008-CE-043-AD; Amendment 39-15633; AD 2008-16-15]

**RIN 2120-AA64**

**Airworthiness Directives; Eclipse Aviation Corporation Model EA500 Airplanes**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is superseding emergency Airworthiness Directive (AD) 2008-13-51, which currently applies to all owners/operators of Eclipse Aviation Corporation (Eclipse) Model EA500 airplanes that received the emergency AD by letter issued June 12, 2008.

Emergency AD 2008-13-51 requires owner/operators to insert temporary revisions into the emergency and normal procedures sections of the airplane flight manual (AFM), do a pilot evaluation of the throttles with replacement as necessary, and report the evaluation results to the FAA. Emergency AD 2008-13-51 was the result of the throttle position exceeding its maximum range. Since issuing that AD, Eclipse developed an FAA-approved test procedure and issued Eclipse Aviation Alert Service Bulletin SB 500-76-001, REV B, dated July 22, 2008. The service bulletin provides a standardized procedure for testing and modifying (as applicable) the throttle lever with replacement as necessary. We are issuing this AD to mandate the actions in this service bulletin to be done by a person authorized to perform maintenance and reduce the likelihood of the throttle position signal exceeding its maximum range, which could cause loss of left and right engine control. This condition could result in the inability to maintain desired airspeed and/or altitude with consequent loss of control.

**DATES:** This AD becomes effective on August 7, 2008.

On August 7, 2008, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

We must receive any comments on this AD by October 6, 2008.

**ADDRESSES:** Use one of the following addresses to comment on this AD.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* (202) 493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

To get the service information identified in this AD, contact Eclipse Aviation Corporation, 2503 Clark Carr Loop, SE., Albuquerque, New Mexico 87106; telephone: (505) 724-1200.

To view the comments to this AD, go to <http://www.regulations.gov>. The docket number is FAA-2008-0837; Directorate Identifier 2008-CE-043-AD.

**FOR FURTHER INFORMATION CONTACT:** Mitchell Soth, Aerospace Engineer, FAA, Fort Worth Airplane Certification Office, 2601 Meacham

Blvd., Fort Worth, Texas 76137; telephone: (817) 222-5104; fax: (817) 222-5960.

**SUPPLEMENTARY INFORMATION:****Discussion**

Following a wind shear encounter on final approach, the pilot of an Eclipse Model EA500 airplane applied full throttle using enough force against the forward stops to exceed the design throttle position signal maximum range. The associated fault mode held the engine thrust settings at the last known throttle position, which was maximum.

Following the balked landing, the pilot elected to shutdown one engine. Upon shutdown of the one engine, the opposite engine thrust reduced to idle and was unresponsive to subsequent throttle lever movement. The pilot was able to land the airplane with no injury or substantial damage. Both main tires were blown during the event.

Exceeding the throttle position signal maximum range could cause loss of left and right engine control, which could result in the inability to maintain desired airspeed and/or altitude with consequent loss of control.

On June 12, 2008, the FAA issued emergency AD 2008-13-51 to require owner/operators to insert the following into emergency and normal procedures sections of the EA500 pilots operating handbook (POH) and airplane flight manual (AFM), as applicable:

- Temporary Revision No. 005 To EA500 POH and FAA-Approved Airplane Flight Manual, L & R ENG CONTROL FAIL, AFM part number (P/N) 06-122204, dated June 12, 2008;
- Temporary Revision No. 006 To EA500 POH and FAA-Approved Airplane Flight Manual, THROTTLE STOPS, AFM P/N 06-122204, dated June 12, 2008;
- Temporary Revision No. 007 To EA500 POH and FAA-Approved Airplane Flight Manual, L & R ENG CONTROL FAIL, AFM P/N 06-121654, dated June 12, 2008;

- Temporary Revision No. 008 To EA500 POH and FAA-Approved Airplane Flight Manual, THROTTLE STOPS, AFM P/N 06-121654, dated June 12, 2008;
- Temporary Revision No. 013 To EA500 POH and FAA-Approved Airplane Flight Manual, L & R ENG CONTROL FAIL, AFM P/N 06-100106, dated June 12, 2008; and

- Temporary Revision No. 014 To EA500 POH and FAA-Approved Airplane Flight Manual, THROTTLE STOPS, AFM P/N 06-100106, dated June 12, 2008.

The emergency AD also required an evaluation of the throttles with

replacement as necessary and a report of the evaluation results to the FAA.

Emergency AD 2008–13–51 allowed the pilot to do the evaluation of the throttle. The FAA has since determined that the throttles must be inspected and modified (as applicable) by a person authorized to perform maintenance as specified in 14 CFR section 43.3 of the Federal Aviation Administration Regulations (14 CFR 43.3) following Eclipse Aviation Alert Service Bulletin SB 500–76–001, REV B, dated July 22, 2008. The FAA has also determined the reporting requirement is no longer necessary.

#### Relevant Service Information

We reviewed Eclipse Aviation Alert Service Bulletin SB 500–76–001, REV B, dated July 22, 2008. The service information describes procedures for inspecting and modifying (as applicable) the throttles with replacement as necessary.

#### FAA's Determination and Requirements of This AD

We are issuing this AD because we evaluated all the information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This AD supersedes emergency AD 2008–13–51 and requires the following:

- Inserting the above-mentioned temporary revisions into the appropriate AFM; and
- Inspecting and modifying (as applicable) the throttles with replacement as necessary.

This is considered interim action. We may take future rulemaking action.

#### FAA's Determination of the Effective Date

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause exists for making this amendment effective in fewer than 30 days.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and an opportunity for public comment. We invite you to send any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number "FAA–2008–0837; Directorate Identifier 2008–CE–043–AD" at the beginning of your

comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD. We will consider all comments received by the closing date and may amend the AD in light of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive concerning this AD.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect 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.

For the reasons discussed above, I certify that this AD:

- (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.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

#### Examining the AD Docket

You may examine the AD docket that contains the AD, the regulatory evaluation, any comments received, and other information on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5527) is located at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### List of Subjects in 14 CFR Part 39

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

#### Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

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

#### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding a new AD to read as follows:

**2008–16–15 Eclipse Aviation Corporation:**  
Amendment 39–15633; Docket No. FAA–2008–0837; Directorate Identifier 2008–CE–043–AD.

#### Effective Date

(a) This AD becomes effective on August 7, 2008.

#### Affected ADs

(b) This AD supersedes emergency AD 2008–13–51, which was sent by individual letter issued June 12, 2008, to owners/operators of Eclipse Model EA500 airplanes.

#### Applicability

(c) This AD affects Model EA500 airplanes, all serial numbers, that are certificated in any category.

#### Unsafe Condition

(d) This AD is the result of the throttle position exceeding its maximum range. We are issuing this AD to reduce the likelihood of the throttle position signal exceeding its maximum range, which could cause loss of left and right engine control. This condition could result in the inability to maintain desired airspeed and/or altitude with consequent loss of control.

#### Compliance

(e) To address this problem, you must do the following, unless already done:

Actions	Compliance	Procedures
<p>(1) Insert the following into the emergency and normal procedures sections of the applicable EA500 pilots operating handbook (POH) and airplane flight manual (AFM):</p> <p>(i) For POH/AFM part number (P/N) 06-122204: Temporary Revision No. 005 To EA500 POH and FAA-Approved Airplane Flight Manual, L &amp; R ENG CONTROL FAIL, dated June 12, 2008; and Temporary Revision No. 006 To EA500 POH and FAA-Approved Airplane Flight Manual, THROTTLE STOPS, dated June 12, 2008.</p> <p>(ii) For POH/AFM P/N 06-121654: Temporary Revision No. 007 To EA500 POH and FAA-Approved Airplane Flight Manual, L &amp; R ENG CONTROL FAIL, dated June 12, 2008; and Temporary Revision No. 008 To EA500 POH and FAA-Approved Airplane Flight Manual, THROTTLE STOPS, dated June 12, 2008.</p> <p>(iii) For POH/AFM P/N 06-100106: Temporary Revision No. 013 To EA500 POH and FAA-Approved Airplane Flight Manual, L &amp; R ENG CONTROL FAIL, dated June 12, 2008; and Temporary Revision No. 014, To EA500 POH and FAA-Approved Airplane Flight Manual, THROTTLE STOPS, dated June 12, 2008.</p>	<p>Before further flight after August 7, 2008 (the effective date of this AD). If you previously did this action per compliance with emergency AD 2008-13-51, then you may take "unless already done" credit for this portion of the AD.</p>	<p>Under 14 CFR section 43.7 of the Federal Aviation Administration Regulations (14 CFR 43.7), the owner/operator holding at least a private pilot certificate is allowed to insert the AFM temporary revisions. Make an entry into the aircraft logbook showing compliance with this portion of the AD per compliance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).</p>
<p>(2) For POH/AFM P/N 06-122204, inserting Section 3, Emergency Procedures, Revision 1, dated June 25, 2008; and Section 4, Normal Procedures, Revision 1, dated June 25, 2008, satisfies the requirement specified in paragraph (e)(1)(i) of this AD.</p>	<p>Before further flight after August 7, 2008 (the effective date of this AD).</p>	<p>Under 14 CFR section 43.7 of the Federal Aviation Administration Regulations (14 CFR 43.7), the owner/operator holding at least a private pilot certificate is allowed to insert the AFM temporary revisions. Make an entry into the aircraft logbook showing compliance with this portion of the AD per compliance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).</p>
<p>(3) Inspect and modify (as applicable) the throttle quadrant assembly (TQA).</p>	<p>(i) If you have done all the actions of emergency AD 2008-13-51 before August 7, 2008 (the effective date of this AD), an appropriately-licensed mechanic must do the inspection required by this AD at whichever of the following occurs first:</p> <p>(A) No later than the next maintenance check; or</p> <p>(B) Within the next 60 days after August 7, 2008 (the effective date of this AD).</p> <p>(ii) If you have not done all of the actions of emergency AD 2008-13-51 as of August 7, 2008 (the effective date of this AD), an appropriately-licensed mechanic must do the inspection required by this AD before further flight after August 7, 2008 (the effective date of this AD). You may operate the airplane up to 10 hours time-in-service to reposition the airplane to the service center or maintenance facility doing the inspection provided the flight(s) occur(s) within 30 days after August 7, 2008 (the effective date of this AD).</p>	<p>Follow the instructions in Eclipse Aviation Alert Service Bulletin SB 500-76-001, REV B, dated July 22, 2008.</p>
<p>(4) If any TQA fails the inspection required in paragraph (e)(3) of this AD, replace the TQA with a TQA that passes the test procedure set forth in Eclipse Aviation Alert Service Bulletin SB 500-76-001, REV B, dated July 22, 2008.</p>	<p>Before further flight after the inspection where any TQA failed.</p>	<p>Replace the TQA using FAA-approved procedures. Contact the FAA at the address in paragraph (f) of this AD for an FAA-approved procedure.</p>

**Note:** To get copies of the temporary revisions specified in this AD, contact Eclipse Aviation Corporation, 2503 Clark Carr Loop, SE., Albuquerque, NM 87105, fax:

505-241-8802; e-mail: [customercare@eclipseaviation.com](mailto:customercare@eclipseaviation.com).

#### Alternative Methods of Compliance

(f) The Manager, Fort Worth Airplane Certification Office, FAA, ATTN: Mitchell Soth, FAA, 2601 Meacham Blvd, Fort Worth,

Texas 76137; telephone: (817) 222-5104; fax: (817) 222-5960, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

#### Material Incorporated by Reference

(g) You must use Eclipse Aviation Alert Service Bulletin SB 500-76-001, REV B, dated July 22, 2008, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Eclipse Aviation Corporation, 2503 Clark Carr Loop, SE., Albuquerque, NM 87105, fax: 505-241-8802; e-mail: [customercare@eclipseaviation.com](mailto:customercare@eclipseaviation.com).

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Kansas City, Missouri, on July 29, 2008.

**James E. Jackson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E8-17786 Filed 8-6-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30620; Amdt. No 3280]

#### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This Rule establishes, amends, suspends, or revokes STANDARD Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or

changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective August 7, 2008. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of August 7, 2008.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal-register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal-register/code_of_federal_regulations/ibr_locations.html).

*Availability—*All SIAPs and Takeoff Minimums and ODPs are Available online free of charge. Visit [nfdc.faa.gov](http://nfdc.faa.gov) to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

**FOR FURTHER INFORMATION CONTACT:**

Harry J. Hodges, Flight Procedure Standards Branch (AFS-420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by Establishing, amending, suspending, or revoking SIAPs, Takeoff Minimums and/or ODPS. The complete regulators

description of Each SIAP and its associated Takeoff Minimums or ODP for an Identified airport is listed on FAA form documents which are Incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, and 8260-15B when required by an entry on 8260-15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. This, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the Associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

#### The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPs, Takeoff