

Rules and Regulations

Federal Register

Vol. 74, No. 167

Monday, August 31, 2009

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FARM CREDIT ADMINISTRATION

12 CFR Part 604

RIN 3052-AC58

Farm Credit Administration Board Meetings; Sunshine Act

AGENCY: Farm Credit Administration.

ACTION: Direct final rule.

SUMMARY: The Farm Credit Administration (FCA or we) issues this direct final rule amending our regulation on meeting announcements to provide greater flexibility to the FCA Board in scheduling meetings.

DATES: The regulation shall become effective upon the expiration of 30 days after publication in the **Federal Register** during which either or both Houses of Congress are in session. We will publish notice of the effective date in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Michael Wilson, Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4124, TTY (703) 883-4434; or

Mary Alice Donner, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4033, TTY (703) 883-4020.

SUPPLEMENTARY INFORMATION: The Farm Credit Administration Board (Board) holds its regularly scheduled meeting on the second Thursday of each month. Occasionally, matters may require the Board to reschedule the monthly meeting or to hold meetings between its regularly scheduled monthly meetings. We are amending § 604.425 to provide the Board greater flexibility in rescheduling meetings or holding additional meetings. The current rule provides that the Board may fix a different time and place for a meeting only at an earlier regularly scheduled

meeting. The new rule removes this constraint and allows the Board to set a time and place for a meeting by public announcement in accordance with the Government in the Sunshine Act, 5 U.S.C. 552b.

We are amending § 604.425 by a direct final rulemaking. Because § 604.425 is a rule of agency procedure not requiring notice and comment (5 U.S.C. 553(b)(A)), the amendment is adopted as a direct final rule without notice and comment. We will publish notice of the effective date of the rule following the required congressional waiting period under section 5.17(c)(1) of the Farm Credit Act of 1971, as amended.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the FCA hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. Each of the banks in the System, considered together with its affiliated associations, has assets and annual income in excess of the amounts that would qualify them as small entities. Therefore, System institutions are not "small entities" as defined in the Regulatory Flexibility Act.

List of Subjects in 12 CFR Part 604

Sunshine Act.

■ For the reasons stated in the preamble, part 604 of chapter VI, title 12 of the Code of Federal Regulations is amended as follows:

PART 604—FARM CREDIT ADMINISTRATION BOARD MEETINGS

■ 1. The authority citation for part 604 continues to read as follows:

Authority: Secs. 5.9, 5.17 of the Farm Credit Act; 12 U.S.C. 2243, 2252.

■ 2. Section 604.425 is revised to read as follows:

§ 604.425 Announcement of Meetings.

(a) The Board meets in the offices of the Farm Credit Administration, McLean, Virginia 22102-5090, on the second Thursday of each month, unless the Board fixes a different time and/or place for a meeting and follows the requirements of paragraph (b) of this section.

(b)(1) The Farm Credit Administration shall make available for public

inspection the time, place, and subject matter of the meeting, and whether it is to be open or closed, by posting notice on its public notice board or on its public Web site except to the extent that such information is exempt from disclosure under the provisions of § 604.420 of this part. The public announcement must be made at least 1 week before the meeting, unless a majority of the FCA Board determines by a recorded vote that agency business requires that a meeting be called on lesser notice, in which case the announcement shall be made at the earliest practicable time.

(2) Once a meeting has been announced, the time, place, and subject matter of the meeting and whether it is open or closed to the public may be changed following the requirements of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: August 26, 2009.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

[FR Doc. E9-20939 Filed 8-28-09; 8:45 am]

BILLING CODE 6705-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM410; Special Conditions No. 25-389-SC]

Special Conditions: Rosemount Aerospace Inc. Modification to Airbus Model A330-200 and A330-300 Airplanes: Lithium-Battery Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Airbus Model A330-200 and A330-300 airplanes. This airplane, as modified by Rosemount Aerospace, will have a novel or unusual design feature associated with lithium batteries. 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.

DATES: The effective date of these special conditions is August 20, 2009. We must receive your comments by October 15, 2009.

ADDRESSES: You must mail two copies of your comments to: Federal Aviation Administration, Transport Airplane Directorate, Attn: Rules Docket (ANM-113), Docket No. NM410, 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. NM410. You can inspect comments in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, ANM-111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2432; facsimile (425) 227-1320.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions are impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplane. In addition, the substance of these special conditions has been subject to the public-comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

We invite interested people 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 about these special conditions. You can 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 preamble 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 may change these special

conditions based on the comments we receive.

If you want us to acknowledge receipt of your comments on these special conditions, include with your comments a self-addressed, stamped postcard on which you have written the docket number. We will stamp the date on the postcard and mail it back to you.

Background

On April 15, 2008, Rosemount Aerospace Inc. applied for a supplemental type certificate for installation of a cargo video-surveillance system (CVSS) in Airbus Model A330-200 and A330-300 airplanes. The CVSS uses or otherwise incorporates lithium batteries.

Existing regulations do not adequately address several characteristics of lithium batteries. Lithium-battery installations could affect the safety and reliability of the Airbus Model A330-200 and A330-300 airplanes. These special conditions address characteristics of, and safety measures required for, lithium-battery installations.

Type Certification Basis

Under the provisions of § 21.101, Rosemount Aerospace Inc. must show that the Airbus Model A330-200 and A330-300 airplanes, as changed, continue to meet the applicable provisions of the regulation incorporated by reference in Type Certificate No. A46NM 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 regulation incorporated by reference in A46NM is 14 CFR 25.1353 at Amendment 25-38.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Rosemount Aerospace Inc. CVSS 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 Airbus Model A330-200 and A330-300 airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification 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 under § 611 of Public Law 92-574, the "Noise Control Act of 1972."

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model 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 § 21.101.

Novel or Unusual Design Features

The Rosemount Aerospace Inc. modification to Airbus Model A330-200 and A330-300 airplanes will incorporate the following novel or unusual design feature: a lithium-battery system.

Discussion

The current regulations governing installation of batteries in large, transport-category airplanes were derived from Civil Air Regulations (CAR) part 4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February, 1965. The new battery requirements, § 25.1353(c)(1) through (c)(4), basically reworded the CAR requirements.

Increased use of nickel-cadmium batteries in small airplanes resulted in increased incidents of battery fires and failures, which led to additional rulemaking affecting large, transport-category airplanes as well as small airplanes. On September 1, 1977, and March 1, 1978, respectively, the FAA issued § 25.1353(c)(5) and (c)(6), governing nickel-cadmium battery installations on large, transport-category airplanes.

The proposed use of lithium batteries for equipment and systems on the Airbus Model A330-200 and A330-300 airplanes has prompted the FAA to review the adequacy of these existing regulations. Our review indicates that the existing regulations do not adequately address several failure, operational, and maintenance characteristics of lithium batteries that could affect the safety and reliability of lithium-battery installations on Airbus Model A330-200 and A330-300 airplanes.

At present, there is limited experience with use of rechargeable lithium batteries in applications involving commercial aviation. However, other users of this technology, ranging from wireless-telephone manufacturers to the electric-vehicle industry, have noted safety problems with lithium batteries. These problems include overcharging,

over-discharging, and flammability of cell components.

1. Overcharging

In general, lithium batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (i.e., thermal runaway) than their nickel-cadmium or lead-acid counterparts. This is especially true for overcharging, which causes heating and destabilization of the components of the cell, leading to the formation (by plating) of highly unstable metallic lithium. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion. Finally, the severity of thermal runaway due to overcharging increases with increasing battery capacity due to the higher amount of electrolyte in large batteries.

2. Over-discharging

Discharge of some types of lithium batteries beyond a certain voltage (typically 2.4 volts) can cause corrosion of the electrodes of the cell, resulting in loss of battery capacity that cannot be reversed by recharging. This loss of capacity may not be detected by the simple voltage measurements commonly available to flight crews as a means of checking battery status—a problem shared with nickel-cadmium batteries.

3. Flammability of Cell Components

Unlike nickel-cadmium and lead-acid batteries, some types of lithium batteries use liquid electrolytes that are flammable. The electrolyte can serve as a source of fuel for an external fire if the battery container is breached.

These problems, experienced by users of lithium batteries, raise concerns about the use of these batteries in commercial aviation. The intent of the proposed special conditions is to establish appropriate airworthiness standards for lithium-battery installations in the Airbus Model A330–200 and A330–300 airplanes and to ensure, as required by §§ 25.1309 and 25.601, that these battery installations are not hazardous or unreliable.

Applicability

As discussed above, these special conditions are applicable to the Rosemount Aerospace Inc., cargo video-surveillance systems. Should Rosemount Aerospace Inc. apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A46NW, to incorporate the same novel or unusual design feature, the special

conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on Rosemount Aerospace Inc. CSVVs installed on Airbus Model A330–200 and A330–300 airplanes. 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 these special conditions has been subjected to the notice and comment period 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. Therefore, 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 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 Airbus Model A330–200 and A330–300 airplanes modified by Rosemount Aerospace Inc. lithium batteries, and battery installations on Airbus Model A330–200 and A330–300 airplanes must be designed and installed as follows:

1. Safe cell temperatures and pressures must be maintained during any foreseeable charging or discharging condition, and during any failure of the charging or battery-monitoring system not shown to be extremely remote. The lithium-battery installation must preclude explosion in the event of those failures.

2. Design of the lithium batteries must preclude the occurrence of self-sustaining, uncontrolled increases in temperature or pressure.

3. No explosive or toxic gases, emitted by any lithium battery in normal operation, or as the result of any failure of the battery-charging system, monitoring system, or battery installation which is not shown to be extremely remote, may accumulate in hazardous quantities within the airplane.

4. Installations of lithium batteries must meet the requirements of § 25.863(a) through (d).

5. No corrosive fluids or gases that may escape from any lithium battery may damage surrounding structure, or any adjacent systems, equipment, or electrical wiring of the airplane, in such a way as to cause a major or more-severe failure condition, in accordance with § 25.1309 (b) and applicable regulatory guidance.

6. Each lithium-battery installation must have provisions to prevent any hazardous effect on structure or essential systems caused by the maximum amount of heat the battery can generate during a short-circuit of the battery or of its individual cells.

7. Lithium-battery installations must have a system to automatically control the charging rate of the battery, to prevent battery overheating or overcharging, and,

a. A battery-temperature-sensing and over-temperature-warning system with a means for automatically disconnecting the battery from its charging source in the event of an over-temperature condition, or,

b. A battery-failure-sensing-and-warning system with a means for automatically disconnecting the battery from its charging source in the event of battery failure.

8. Any lithium-battery installation, the function of which is required for safe operation of the airplane, must incorporate a monitoring-and-warning feature that provides an indication to the appropriate flight-crew members when the state-of-charge of the batteries has fallen below levels considered acceptable for dispatch of the airplane.

9. The instructions for continued airworthiness (ICA), required by § 25.1529 (and 26.11), must contain maintenance steps to:

a. Assure that the lithium battery is sufficiently charged at appropriate intervals specified by the battery manufacturer.

b. Ensure the integrity of lithium batteries in spares-storage to prevent the replacement of batteries, whose function is required for safe operation of the airplane, with batteries that have experienced degraded charge-retention ability or other damage due to

prolonged storage at a low state of charge.

The ICA maintenance procedures must contain precautions to prevent mishandling of the lithium battery, which could result in short-circuit or other unintentional damage that, in turn, could result in personal injury or property damage.

Note 1: The term "sufficiently charged" means that the battery will retain enough of a charge, expressed in ampere-hours, to ensure that the battery cells will not be damaged. A battery cell may be damaged by lowering the charge below a point where the battery's ability to charge and retain a full charge is reduced. This reduction would be greater than the reduction that may result from normal, operational degradation.

Note 2: These special conditions are not intended to replace § 25.1353(b) in the certification basis of the Airbus Model A330-200 and A330-300 airplanes. These special conditions apply only to lithium batteries and their installations. The requirements of § 25.1353(b) remain in effect for batteries and battery installations in Airbus Model A330-200 and A330-300 airplanes that do not use lithium batteries.

Compliance with the requirements of these special conditions must be shown by test, or analysis by the Aircraft Certification Office or its designees, with the concurrence of the FAA Transport Airplane Directorate.

Issued in Renton, Washington, on August 20, 2009.

Ali Bahrami,

*Manager, Transport Airplane Directorate,
Aircraft Certification Service.*

[FR Doc. E9-20698 Filed 8-28-09; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM406; Special Conditions No. 25-384-SC]

Special Conditions: Bombardier Inc. Model CL-600-2B19, -2C10, -2D15 and -2D24 Airplanes; Passenger Seats With Non-Traditional, Large, Non-Metallic Panels

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for Bombardier Inc. model CL-600-2B19, -2C10, -2D15 and -2D24 airplanes. These airplanes will have a novel or unusual design feature(s) associated with seats that include non-

traditional, large, non-metallic panels that would affect survivability during a post-crash fire event. 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.

DATES: *Effective Date:* August 12, 2009.

FOR FURTHER INFORMATION CONTACT:

Alan Sinclair, FAA, Airframe/Cabin Safety Branch, ANM-115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington, 98057-3356; telephone (425) 227-2195; facsimile (425) 227-1232; electronic mail alan.sinclair@faa.gov.

Background

On July 1, 2008, Bombardier Inc. 400 Cote Vertu West, Dorval, Quebec, Canada, H4S 1Y9 applied for a design change to Type Certificate No. A21EA for installation of seats that include non-traditional, large, non-metallic panels in the following Bombardier Inc. airplanes: Model CL-600-2B19, Model CL-600-2C10, Model CL-600-2D15 and Model CL-600-2D24. These airplanes, which are currently approved under Type Certificate No. A21EA, are swept-wing, T-tail, twin-engine, fuselage mounted turbofan-powered, single aisle, medium sized transport category airplanes.

The applicable regulations to airplanes currently approved under Type Certificate No. A21EA do not require seats to meet the more stringent flammability standards required of large, non-metallic panels in the cabin interior. At the time the applicable rules were written, seats were designed with a metal frame covered by fabric, not with large, non-metallic panels. Seats also met the then recently adopted standards for flammability of seat cushions. With the seat design being mostly fabric and metal, the contribution to a fire in the cabin had been minimized and was not considered a threat. For these reasons, seats did not need to be tested to heat release and smoke emission requirements.

Seat designs have now evolved to occasionally include non-traditional, large, non-metallic panels. Taken in total, the surface area of these panels is on the same order as the sidewall and overhead stowage bin interior panels. To provide the level of passenger protection intended by the airworthiness standards, these non-traditional, large, non-metallic panels in the cabin must meet the standards of

Title 14 Code of Federal Regulations (14 CFR), part 25, Appendix F, parts IV and V, heat release and smoke emission requirements.

Type Certification Basis

Under the provisions of § 21.101 Bombardier must show that the following airplane models, CL-600-2B19, CL-600-2C10, CL-600-2D15 and CL-600-2D24, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A21EA, 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 regulations incorporated by reference in Type Certificate No. A21EA are for the following models:

- CL-600-2B19, part 25, effective February 1, 1965, including Amendments 25-1 through 25-62;
- CL-600-2C10, part 25, effective February 1, 1965, including Amendments 25-1 through 25-86;
- CL-600-2D15, part 25, effective February 1, 1965, including Amendments 25-1 through 25-86, Amendments 25-88 through Amendments 25-90 and Amendments 25-92 through Amendments 25-98.
- CL-600-2D24, part 25, effective February 1, 1965, including Amendments 25-1 through 25-86, Amendments 25-88 through Amendments 25-90 and Amendments 25-92 through Amendments 25-98.

In addition, the certification basis includes other regulations and special conditions that are not pertinent to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model CL-600 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of 14 CFR 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Model CL-600 series airplanes 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.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38 and they become part of the type certification basis under § 21.17(a)(2).

Special conditions are initially applicable to the model for which they