

carton is established for Florida tomatoes.

Dated: October 27, 2009.

**Rayne Pegg,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E9-26462 Filed 11-3-09; 8:45 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 23

[Docket No. CE300; Special Conditions No. 23-240-SC]

#### **Special Conditions: Cessna Aircraft Company, Model 525C; Flight Performance, Flight Characteristics, and Operating Limitations**

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

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Cessna Aircraft Company, Model 525C airplane. This airplane will have a novel or unusual design feature(s) associated with turbofan engines, engine location, and certain performance characteristics necessary for this type of airplane that were not envisioned by the existing regulations. 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 November 4, 2009. We must receive your comments by December 4, 2009.

**ADDRESSES:** Mail two copies of your comments to: Federal Aviation Administration, Regional Counsel, ACE-7, Attn: Rules Docket No. CE300, 901 Locust, Kansas City, MO 64106. You may deliver two copies to the Regional Counsel at the above address. Mark your comments: Docket No. CE300. 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:** Mr. Lowell Foster, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 901 Locust, Room 301, Kansas

City, MO 64106; telephone (816) 329-4125; facsimile (816) 329-4090.

**SUPPLEMENTARY INFORMATION:** The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the approval design and thus delivery of the affected aircraft. 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 will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

If you want us to let you know we received your comments on these special conditions, send us 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 June 28, 2007, Cessna Aircraft Company applied for a type certificate for their new Model Cessna Model 525C. The Cessna Model 525C is a commuter category derivative configuration of the Model 525B airplane with unique turbofan engines, engine location, and certain performance characteristics necessary for this type of airplane. Unlike similar commuter category jet projects, these special conditions reflect the model history of the model 525 back through

normal category for consistency in training.

#### **Type Certification Basis**

Under the provisions of 14 CFR, part 21, § 21.17, Cessna Aircraft Company must show that the Cessna Model 525C meets the applicable provisions of part 23, as amended by Amendment 23-1 through 23-59 thereto.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 23) do not contain adequate or appropriate safety standards for the Model 525C 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 525C 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 under § 611 of Public Law 92-574, the "Noise Control Act of 1972."

The FAA issues special conditions, as defined in § 11.19, under § 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 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.

#### **Novel or Unusual Design Features**

The Cessna Model 525C will incorporate the following novel or unusual design features: Two aft mounted Williams International FJ44-4A turbofan engines rated at 3,400 pounds of thrust with a Full Authority Digital Engine Control (FADEC) system and other performance characteristics that were not envisioned by the regulations when the Model 525 was originally certificated.

#### **Applicability**

As discussed above, these special conditions are applicable to the Cessna Model 525C. Should Cessna 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.

#### **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 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 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 21.16 and 21.17; and 14 CFR 11.38 and 11.19.

#### 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 Cessna Model 525C airplanes.

##### 1. SC 23.161, *Trim*

Instead of the requirements of § 23.161(b)(2), the following applies:

(b)(2) For commuter category airplanes, at all speeds from 1.4  $V_{S1}$  to  $V_{MO}/M_{MO}$ .

##### 2. SC 23.181, *Dynamic stability*

Instead of compliance with the requirements of § 23.181(a), and (d), the following applies:

(a) Any short period oscillation, not including combined lateral-directional oscillations, occurring between 1.2  $V_S$  and the maximum allowable speed appropriate to the configuration of the airplane must be heavily damped with the primary controls—

(1) Free; and

(2) In a fixed position.

(d) During the conditions as specified in § 23.175, when the longitudinal control force required to maintain speeds differing from the trim speed by at least plus and minus 15 percent or 15 knots, whichever is less, is released after

first returning the control to the original trimmed position, the response of the airplane must not exhibit any dangerous characteristics nor be excessive in relation to the magnitude of the control force prior to release. Any long-period oscillation of flight path, phugoid oscillation, that results must not be so unstable as to increase the pilot's workload or otherwise endanger the airplane.

Issued in Kansas City, Missouri, on October 28, 2009.

**Margaret Kline,**

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

[FR Doc. E9-26596 Filed 11-3-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 744

[Docket No. 080211163-91379-03]

**RIN 0694-AE18**

#### Encryption Simplification

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** The Bureau of Industry and Security (BIS) published a final rule in the **Federal Register** on Thursday, October 15, 2009 (74 FR 52880) that amended the Export Administration Regulations (EAR) to finalize and correct errors in an interim final rule entitled "Encryption Simplification" on October 3, 2008 (73 FR 57495). That final rule contained one error in the amendatory instruction used for revising one section. This error in the amendatory instruction led to the unintentional removal of the wrong sentence. This document corrects that amendatory instruction error by adding back the sentence that was removed and removing the intended sentence from that section.

In addition, this rule clarifies references in the preamble to an amendment to part 736 that should have been removed. The instruction to amend part 736 was removed from the rule prior to publication, because the amendment had already been made. No action is necessary to correct this mistake, as it did not affect the Code of Federal Regulations (CFR).

**DATES:** *Effective Date:* This rule is effective: November 4, 2009.

**ADDRESSES:** Although there is no formal comment period, public comments on

this regulation are welcome on a continuing basis. Comments should be submitted to Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, Department of Commerce, 14th and Pennsylvania Ave., NW., Room 2705, Washington, DC 20230. Send comments regarding the collection of information to Jasmeet Seehra, Office of Management and Budget (OMB), by e-mail to [jseehra@omb.eop.gov](mailto:jseehra@omb.eop.gov), or by fax to (202) 395-7285; and to the Regulatory Policy Division, Bureau of Industry and Security, U.S. Department of Commerce, 14th St. & Pennsylvania Avenue, NW., Room H2705, Washington, DC 20230.

#### FOR FURTHER INFORMATION CONTACT:

Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce; by *telephone:* (202) 482-2440; or by *fax:* 202-482-3355.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 15, 2009, the final rule, "Encryption Simplification Rule: Final" was published in the **Federal Register** (74 FR 52880). BIS intended to remove the sentence that reads "Section 744.9 prohibits U.S. persons from providing technical assistance to certain foreign persons seeking to develop or manufacture certain encryption commodities or software." However, due to an error in the amendatory instructions, the incorrect sentence was removed. This rule corrects that amendatory instruction error by adding back the sentence that reads "Section 744.6 prohibits certain activities by U.S. persons in support of certain nuclear, missile, chemical, or biological end-uses." and removing the sentence that was intended to be removed.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as extended by the Notice of August 13, 2009 (74 FR 41,325 (August 14, 2009)), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act.

#### Rulemaking Requirements

1. This final correction rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501