

800A airplanes modified by Duncan Aviation, Inc. Should Duncan Aviation, Inc. apply later for a supplemental type certificate to modify any other model included on Type Certificate No. A3EU to incorporate the same or similar novel or unusual design feature, these special conditions would apply to that model as well under § 21.101.

### Conclusion

This action affects only certain novel or unusual design features on Raytheon Aircraft Company Model BAe.125 Series 800A airplanes as modified by Duncan Aviation, Inc. 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 procedure in several prior instances and has been derived without substantive change from those previously issued. 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 send views that may not have been sent 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 supplemental type certification basis for Raytheon Aircraft Company Model BAe.125 Series 800A airplanes modified by Duncan Aviation, Inc.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of these special conditions, the following definition

applies: *Critical Functions:* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on February 9, 2006.

**Kalene C. Yanamura,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 47 and 49

#### Federal Aviation Administration, Civil Aviation Registry, Aircraft Registration Branch Practices Related to the Cape Town Treaty

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

**ACTION:** Notice in regards to processes at the FAA, Civil Aviation Registry, Aircraft Registration Branch (Registry), in relation to implementation of the Cape Town Treaty (Treaty).

**SUMMARY:** On January 3, 2005, the FAA published final rules implementing the Cape Town Treaty. On February 17, 2006, the FAA published a notice advising that the Cape Town Treaty becomes effective for the United States on March 1, 2006. The FAA is publishing this document to advise interested persons of certain procedures in the Aircraft Registration Branch related to the Cape Town Treaty.

**DATES:** *Effective Date:* March 1, 2006.

#### FOR FURTHER INFORMATION CONTACT:

Walter Binkley, Manager, Aircraft Registration Branch (AFS-750), Mike Monroney Aeronautical Center, Federal Aviation Administration (AFS-750), Post Office Box 25504, Oklahoma City, OK 73125. Telephone (405) 954-3131.

**SUPPLEMENTARY INFORMATION:** The Cape Town Treaty Implementation Act of 2004, Public Law 108-297, required conforming changes to the regulations concerning registration and deregistration of aircraft, among other things. The amendments have been made and published. The Registry is taking this opportunity to advise interested persons of the Registry's practices for processing certain documents related to the Cape Town Treaty. These matters are largely procedural in nature.

### Acceptance of Instruments for Aircraft Objects Subject to the Treaty

Pursuant to amendments made to 14 CFR part 49, to include § 49.63, FAA requires that documents representing transactions meeting the requirements of subpart C of this part accompany the completed Entry Point Filing Form—International Registry, AC Form 8050-135, unless the form is submitted in connection with a notice of a prospective international interest. Because the Treaty does not enter into force for the United States until March 1, 2006, instruments completed prior to March 1, 2006, will continue to be processed in accordance with the Geneva Convention.

#### Interim List of Eligible Aircraft

Article 2 of the Convention on International Interests in Mobile Equipment provides for an international interest in certain categories of mobile equipment and associated rights. The convention refers to uniquely identifiable objects as designated in the Aircraft protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (Protocol). Designated aircraft equipment includes:

(1) Airframes, that when appropriate aircraft engines are installed thereon, are type certified by the competent aviation authority to transport at least eight (8) persons including crew; or goods in excess of 2750 kilograms;

(2) Helicopters, heavier-than-air machines, supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes and which are type certified by the competent aviation authority to transport at least five (5) persons including crew; or goods in excess of 450 kilograms; and

(3) Aircraft engines, powered by jet propulsion or turbine or piston technology and:

(a) in the case of jet propulsion aircraft engines, have at least 1750 lb of thrust or its equivalent; and

(b) in the case of turbine-powered or piston-powered aircraft engines, have at least 550 rated take-off shaft horsepower or its equivalent.

Since a sanctioned comprehensive list prepared by an appropriate authority containing the manufacturer, model and serial number for each aircraft object subject to the Treaty has not yet been provided to the Contracting States; FAA will begin accepting documents related to the Cape Town Treaty on March 1, 2006, based on an interim updatable list of eligible aircraft objects compiled by the FAA. The eligibility of any aircraft

object not on the FAA list must be established before FAA will complete processing of documents related to the Cape Town Treaty.

#### **Acceptance of FAA Entry Point Filing Form—International Registry, AC 8050–135**

The FAA Civil Aviation Registry was designated by Congress as the exclusive entry point for transmitting information to the International Registry as provided for in the Treaty. The Cape Town Treaty Implementation Act of 2004 (Pub. L. 108–297) directed the FAA to establish a system for filing notices of international and prospective international interests, and authorizing parties to transmit information to the International Registry. To implement these requirements, the Registry requires the submission of a completed FAA Entry Point Filing Form—International Registry, AC Form 8050–135, to issue an authorization code. This code allows for the transmission of information to the International Registry with respect to civil aircraft of the United States, aircraft assigned a U.S. identification number (for prospective interests only), and aircraft engines with a rated takeoff horsepower of at least 550. Pursuant to 14 CFR part 49 subpart F, the acceptance of the FAA Entry Point Filing Form—International Registry, AC 8050–135, does not indicate agreement with or acceptance of any representations on the form.

#### **Irrevocable De-Registration and Export Request Authorization (IDERA)**

The Protocol provides for the acceptance and recordation of an IDERA that is substantially in the form annexed to the Protocol. FAA will not accept an IDERA that is not substantially in the form annexed to the Protocol. FAA will not accept an IDERA that is not linked to a specific instrument on file with the FAA. If the IDERA is not attached to and made a part of the instrument it relates to, it must include sufficient detail to identify the instrument (*e.g.*, reference to a recorded conveyance by number) to which it is linked.

Acknowledgment of acceptance of an IDERA by FAA is demonstrated by (1) the recording of the instrument that the IDERA is attached to and made a part of, or (2) if not filed as part of the instrument, but filed at a later time, the IDERA will be stamped with an ID/date stamp of an FAA Legal Instruments Examiner.

#### **Written Certification Regarding Registered Interests Ranking in Priority**

A written certification made pursuant to 14 CFR part 47, § 47.47(a)(3), must

include the specific language contained in § 47.47(a)(3), in its entirety. However, a written certification made by the aircraft owner may be appropriately varied.

#### **Additional Evidence To Deregister and Export Aircraft Subject to the Treaty**

An authorized party under an IDERA on file with the FAA who requests deregistration and export of an aircraft must support the certification made under § 47.47(a)(3) by submitting a copy of the relevant International Registry Search Certificate along with evidence of the consent to export or discharge of lien from each registered lien holder ranking in priority to that of the requester, as evidenced by the Search Certificate.

An aircraft owner eligible to request deregistration and export of an aircraft subject to the Treaty must likewise support the certification made under § 47.47(a)(3) by submitting evidence of the consent to export or discharge of lien from each outstanding lien holder of any consensual lien on file in the aircraft record at the FAA.

The party requesting deregistration and export must be either the aircraft owner, as evidenced by documents on file at the FAA, or the authorized party under an IDERA on file at the FAA.

Issued in Oklahoma City, OK, on February 21, 2006.

**Mark Lash,**

*Manager, Civil Aviation Registry.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 71**

**[Docket No. FAA–2005–23075; Airspace Docket No. 05–ASO–12]**

#### **Establishment of Class E Airspace; Nicholasville, KY**

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Nicholasville, KY. Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAP) Runway (RWY) 9 and RWY 27 have been developed for Lucas Field Airport. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAPs and for Instrument Flight Rules (IFR) operations at Lucas Field Airport.

The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP.

**DATES:** *Effective Date:* 0901 UTC, June 8, 2006.

#### **FOR FURTHER INFORMATION CONTACT:**

Mark D. Ward, Manager, Airspace and Operations Branch, Eastern En Route and Oceanic Service Area, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

#### **SUPPLEMENTARY INFORMATION:**

##### **History**

On December 14, 2005, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace at Nicholasville, KY, (70 FR 73959). This action provides adequate Class E airspace for IFR operations at Lucas Field Airport. Designations for Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in FAA Order 7400.9N, dated September 1, 2005, and effective September 16, 2005, which is incorporated by reference in 14 CFR part 71.1. The Class E designations listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

##### **The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Nicholasville, KY.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.