

That rule provided a 30-day comment period which ended February 10, 1997. No comments were received.

After consideration of all relevant matter presented, including that contained in the prior proposed, interim final, and final rules in connection with the establishment of the salable quantities and allotment percentages for Scotch and Native spearmint oils for the 1996–97 marketing year, the Committee's recommendation and other available information, it is found that to revise § 985.215 (61 FR 11291) to change the salable quantity and allotment percentage for Native spearmint oil as effective in the interim final rule (62 FR 1246), as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because this rule applies to spearmint produced during the 1996–97 marketing year, which ended May 31, 1997. Further, handlers are aware of this rule, which was recommended at a public meeting. Also, a 30-day comment period was provided in the interim final rule and no comments were received.

#### List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

#### PART 985—SPEARMINT OIL PRODUCED IN THE FAR WEST

Accordingly, the interim final rule amending 7 CFR part 985 which was published at 61 FR 1246 on January 9, 1997, is adopted as a final rule without change.

Dated: June 4, 1997.

**Robert C. Keeney,**

*Director, Fruit and Vegetable Division.*

[FR Doc. 97–15253 Filed 6–10–97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM–131, Special Conditions No. 25–ANM–128]

#### Special Conditions: LET Aeronautical Works Model L610G Airplane

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

**ACTION:** Final special conditions.

**SUMMARY:** These final special conditions are issued for the LET Aeronautical

Works Model L610G airplane. This airplane will have a novel or unusual design feature associated with the use of the landing gear fairing as an assist means during an emergency evacuation. 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 airworthiness standards of 14 CFR part 25.

**EFFECTIVE DATE:** July 11, 1997.

**FOR FURTHER INFORMATION CONTACT:** Frank Tiangsing, Regulations Branch, ANM–114, Transport Airplane Directorate, Aircraft Certification Service, FAA 1601 Lind Avenue SW, Renton WA 98055–4056, (425) 227–121.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 25, 1990, LET Aeronautical Works applied for a type certificate for the Model L610G airplane. On March 28, 1995, they applied for an extension of the original application in accordance with 14 CFR 21.17(d)(2). The L610G is a twin-engine, 40 passenger, high-wing airplane with a passenger emergency exit configuration consisting of one pair of Type I exits located at the aft end of the cabin and a pair of Type III exits under the wing near the middle of the cabin.

Type III exits are typically installed over the wings of the airplane. The are allowed by part 25 to have a 27-inch step-down from the exit sill to the wing. Additionally, if the escape route on the wing terminates at a point more than six feet above the ground, means must be provided to assist evacuees to reach the ground. If the termination point is less than six feet above the ground, then the assist means is not required.

Since this airplane is of a high-wing configuration, it is not practicable to incorporate overwing Type III exits. Part 25 permits non-overwing, non-floor level exits when certain conditions are satisfied. Included in these conditions is the requirement for an assist means for passengers and crew to egress from the airplane to the ground when the exit sill height is more than six feet. This assist means must be an automatically erected escape slide or equivalent, and must be self-supporting on the ground. The sill of the Type III exits on the L610G will be more than six feet above the ground; therefore, an assist means will be necessary.

LET has positioned the Type III exits above the landing gear fairing such that the fairing will form a surface for evacuees to use in lieu of what would be provided by a wing. The evacuees would then slide or jump off the fairing

to the ground in much the same manner as they would off a wing trailing edge.

LET's use of the landing gear fairing as an assist means results in features which are characteristic of both escape slides and overwing evacuation routes; therefore, the requirements for either configuration are insufficient by themselves to assure that minimum standards are established.

These special conditions include requirements pertinent to both overwing and non-overwing exits, as well as additional criteria for this specific exit.

#### Type Certification Basis

Under the provisions of 14 CFR 21.17, LET must show the Model L610G meets the applicable provisions of part 25 as amended by Amendments 15–1 through 25–70 thereon, except as follows:

§ 25.365 Amendment 25–71

§ 25.571(e)(2) Amendment 25–72

§ 25.729 Amendment 25–75

§ 25.905(d) Amendment 25–72

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25 as amended) do not contain adequate or appropriate safety standards for the Model 610G 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 regulation and special conditions, the LET Aeronautical Works Model L610G 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.

Special conditions, as appropriate, are issued in accordance with 14 CFR 11.49 after public notice, as required by 14 CFR 11.28 and 11.29(b), and become part of the type certification basis in accordance with 14 CFR 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 14 CFR 21.101(a)(1).

#### Novel or Unusual Design Features

The Model L610G will incorporate the following novel or unusual design feature: a Type III exit will be located under each wing such that an evacuee using the exit would step out onto the main landing gear fairing. The evacuee would then slide or jump from the landing gear fairing to the ground.

14 CFR 25.809(f) requires all non-overwing exits more than six feet above

the ground to be equipped with an approved means to assist occupants in descending to the ground.

14 CFR 25.809(h) similarly requires all overwing exits having an escape route which terminates at a point more than six feet above the ground to be equipped with an assist means. The exit for the Model L610G will be more than six feet from the ground; however, the landing gear fairing surface will be within 27 inches of the lower exit sill. This distance corresponds to the allowable step-down for an overwing Type III exit. The distance from the landing gear fairing to the ground is less than six feet.

14 CFR 25.809(f) also requires that assist means be automatically erected during exit opening. Strictly speaking, the landing gear fairing does not satisfy this requirement since opening the exit is not correlated to the availability of the assist means; however, since the fairing is a fixed piece of airplane structure it is always available for use.

The regulations also require that an assist means be self-supporting on the ground. This requirement has been interpreted to mean that the assist means rests on the ground when in use such that an evacuee does not have to jump to the ground from the bottom of the assist means. In the case of an overwing exit where the terminating edge of the escape route is less than six feet from the ground, it is likely that evacuees might have to jump a short distance from the wing to the ground. The Model L610G incorporates aspects of both of these exit arrangements, which are addressed in these special conditions.

Other features of the exit arrangement which involve both overwing and non-overwing exit considerations include marking, visibility, and width of the escape route. For the purposes of these special conditions, this exit will be treated as an overwing exit with respect to these requirements.

Other areas which are of particular concern for this unusual exit arrangement are the effectiveness of the exit in the event of landing gear collapse and the proximity of the escape route to the engines and wheel wells. Since a collapse of the landing gear could result in some form of collapse of the landing gear fairing, the exit must be demonstrated to be usable and provide for safe evacuation, considering all conditions of landing gear collapse.

Since the Type III exits are directly above the main landing gear, it is possible that a fire originating in the landing gear assembly could render such an exit unusable. Due to the design of the Model L610G, it is considered

necessary to address the possibility that a fire on one side of the airplane could also render the opposite side unusable.

These special conditions are intended to provide requirements which result in an evacuation system that is as effective and safe as those envisioned by the regulations. Where appropriate, requirements have been drawn from existing regulations. In other cases, new requirements have been developed to preserve the level of safety which is inherent in the design of more conventional exit arrangements or assist means.

#### **Discussion of Comments**

Notice of Proposed Special Conditions No. SC-96-4-NM for the LET Aeronautical Works Model L610G airplane, was published in the **Federal Register** on August 16, 1996. No comments were received.

#### **Applicability**

As discussed above, these special conditions are applicable to the LET Aeronautical Works Model L610G airplane. Should LET Aeronautical Works 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 14 CFR 21.101(a)(1).

#### **Conclusion**

This action affects only certain novel or unusual design features on one model of airplanes. 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 25**

Air transportation, Aircraft, Aviation safety, Safety.

The authority citation for these proposed 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 the LET Aeronautical Works L610G airplane.

1. The landing gear fairing must be established as an escape route in accordance with the dimensional, reflectance, and slip resistant surface requirements of § 25.803(e).

2. The step-down distance from the exit sill to the surface of the landing

gear fairing, where an evacuee would make first contact, shall not exceed 27 inches (ref. § 25.807(a)(3)).

3. The assist means must provide for safe evacuation of occupants, considering all conditions of landing gear collapse. In addition, safe evacuation must be afforded via the Type III exit in the event of main landing gear non-deployment.

4. Exterior emergency lighting must be provided for the assist means and all areas of likely ground contact in accordance with §§ 25.812(g)(1) (i) and (ii), and § 25.812(h)(1), as amended through Amendment 25-58.

5. The assist means must be demonstrated to provide an adequate egress rate for the number of passengers requested. The passenger capacity, as permitted by § 25.807(c)(1), Table 1, may be reduced if satisfactory Type III exit performance cannot be demonstrated.

6. It must be shown that a landing gear fire occurring on one side of the airplane is unlikely to render the opposite exit unusable.

7. The assist means must be shown to be as reliable as an escape slide following exposure to the emergency landing conditions that may be encountered in service. In addition, safe evacuation from the airplane must be afforded following the crash conditions specified in § 25.561(b).

Issued in Renton, Washington, on June 3, 1997.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.*

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## **COMMODITY FUTURES TRADING COMMISSION**

### **17 CFR Part 190**

#### **Distribution of Customer Property Related to Trading on the Chicago Board of Trade—London International Financial Futures and Options Exchange Trading Link**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rules.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission") has adopted an additional amendment to Appendix B of its bankruptcy rules to govern the distribution of property where the debtor is a futures commission merchant ("FCM") that maintains customer accounts that carry