

**Comments; Accompanying Direct Final Rule**

If no significant adverse comments are timely received, no further activity is contemplated relative to this proposed rule. Rather, the related direct final rule published elsewhere in this issue of the **Federal Register** will automatically go into effect on the date specified in that rule. If significant adverse comments are timely received, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule. Because OTS will not institute a second comment period for this proposed rule, any parties interested in commenting should do so during this comment period.

**Regulatory Flexibility Act**

Pursuant to section 605(b) of the Regulatory Flexibility Act,<sup>4</sup> the Director certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. The rule would merely codify an existing OTS interpretation.

**Executive Order 12866**

OTS has determined that this proposed rule is not a "significant regulatory action" for purposes of Executive Order 12866.

**Unfunded Mandates Reform Act of 1995**

OTS has determined that the requirements of this proposed rule will not result in expenditures by State, local, and tribal governments or by the private sector of \$100 million or more in any one year. Accordingly, a budgetary impact statement is not required under section 202 of the Unfunded Mandates Reform Act of 1995.

**Federalism**

Executive Order 13132 imposes certain requirements on an agency when formulating and implementing policies that have federalism implications or taking actions that preempt state law. OTS has determined that this proposed rule will not have substantial direct effects 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, and will not preempt State law.

**List of Subjects in 12 CFR Part 552**

Reporting and recordkeeping requirements, Savings associations, Securities.

Accordingly, the Office of Thrift Supervision hereby proposes to amend title 12, chapter V of the Code of Federal Regulations as set forth below.

**PART 552—INCORPORATION, ORGANIZATION, AND CONVERSION OF FEDERAL STOCK ASSOCIATIONS**

1. The authority citation for Part 552 continues to read as follows:

**Authority:** 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a.

2. Section 552.2-6 is amended by designating the text of the section as paragraph (a) and adding paragraph (b) to read as follows:

**§ 552.2-6 Conversion from stock form depository institution to Federal stock association.**

(a) \* \* \*

(b) Any and all of the assets and other property (whether real, personal, mixed, tangible or intangible, including choses in action, rights, and credits) of the former stock form depository institution become assets and property of the Federal stock association when the conversion occurs. Similarly, all of the obligations and debts of or claims against the former stock form depository institution become obligations and debts of and claims against the Federal stock association when the conversion occurs. In effect, the Federal stock association is the same as the former stock form depository institution with respect to any and all assets, property, claims and debts of or claims against the former stock form depository institution.

Dated: May 2, 2001.

By the Office of Thrift Supervision.

**Ellen Seidman,**

*Director.*

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**BILLING CODE 6720-01-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 23**

**[Docket No. CE165; Notice No. 23-01-02-SC]**

**Special Conditions: Ayres Corporation; Model LM 200, "Loadmaster"; Flight**

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

**ACTION:** Notice of proposed special conditions.

**SUMMARY:** This action proposes special conditions for the Ayres Corporation,

Model LM 200 airplane. This airplane will have novel or unusual design features associated with centerline thrust. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed 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:** Comments must be received on or before June 7, 2001.

**ADDRESSES:** Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE-7, Attention: Rules Docket, Docket No. CE165, 901 Locust, Room 506, Kansas City, Missouri 64106, or delivered in duplicate to the Regional Counsel at the above address. Comments must be marked: CE165. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:**

Lowell Foster, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE-111, 901 Locust, Room 301, Kansas City, Missouri, 816-329-4125, fax 816-329-4090.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The proposals described in this action may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this action must include with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to CE165." The postcard will be date stamped and returned to the commenter.

<sup>4</sup>Pub. L. No. 96-354, 5 U.S.C. 601.

## Background

On February 9, 2001, Ayres Corporation applied for a type certificate for their new Model LM 200 "Loadmaster." The Model LM 200 operates with a multiengine/single propeller propulsion system and fixed landing gear. The system consists of two turbine engines driving a single propeller through a combining gearbox. The aircraft is conventional, semi-monocoque, aluminum construction with a high cantilever wing, fixed gear, mechanical and electro-mechanical controls, and it will be unpressurized. Certification will include single pilot and IFR operations.

It is not possible for this airplane to have literal compliance with some commuter category flight test regulations. The Model LM 200 must comply with all commuter category multiengine requirements; however, since this propulsion system will result in centerline thrust, this airplane will not have a  $V_{MC}$  or  $V_{MCG}$ . The propeller is independent of both or either engine such that, with the failure of an engine, the propeller will continue to operate normally but with less torque input. The propeller control system does have failure modes independent of both engines that need to be considered when determining airplane performance. 14 CFR part 23 does not contain adequate or appropriate requirements to address a multiengine/single propeller design that results in centerline thrust.

## Type Certification Basis

Under the provisions of 14 CFR 21.17, Ayres Corporation must show that the Model LM 200 "Loadmaster" meets the applicable provisions of part 23, as amended by Amendments 23-1 through 23-53, thereto.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, part 23) do not contain adequate or appropriate safety standards for the Ayres Corporation Model LM 200 "Loadmaster" 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 LM 200 must comply with the part 23 fuel vent and exhaust emission requirements of 14 CFR part 34 and the part 23 noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy pursuant to § 611 of Public Law 92-574, the "Noise Control Act of 1972."

Special conditions, as appropriate, are issued in accordance with § 11.49 after

public notice, as required by §§ 11.28 and 11.29(b), and become part of the type certification basis in accordance with § 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 § 21.101(a)(1).

## Novel or Unusual Design Features

The Model LM 200 will incorporate the following novel or unusual design features: The Model LM 200 will operate with a multiengine/single propeller propulsion system.

## Applicability

As discussed above, these special conditions are applicable to the Model LM 200. Should Ayres Corporation 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 § 21.101(a)(1).

## 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 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 23

Aircraft, Aviation safety.

The authority citation for these special conditions is as follows: 49 U.S.C. 106(g); 40113, 44701, 44702, and 44704; 14 CFR 21.16 and 21.17; and 14 CFR 11.28 and 11.29(b).

## The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Ayres Corporation Model LM 200 airplanes.

### Flight Test Special Conditions

1. In addition to the requirements in § 23.51(c)(1)(i),  $V_{EF}$  is also a propeller control system failure speed where the propeller primary control system fails to the configuration most critical to producing thrust, considering all single point failures. The applicant must establish  $V_{EF}$  to be related to the stall speed, and it must not be less than  $1.05 V_{S1}$  or greater than  $1.2 V_{S1}$ .

2. In addition to the requirements in § 23.51(c)(3), to determine a single value

for  $V_R$ , the applicant must determine and use the most critical of either the one engine inoperative (OEI) configuration or the most critical failed propeller primary control system configuration, whichever is worse. The failed propeller control system configuration must consider all single point failures with both engines operating normally.

3. In addition to the requirement in § 23.51(c)(5), the applicant must determine and use the most critical of either the OEI configuration or the most critical failed propeller primary control system configuration, whichever is worse. The failed propeller control system must consider all single point failures, with both engines operating normally.

4. In § 23.63, where the OEI configuration is required, the applicant must also assume the condition where both engines are operating normally and the propeller primary control system has failed. In the failed propeller primary control system configuration, the applicant must consider all single point failures that result in a propeller configuration most critical to producing thrust.

5. In addition to the requirements in § 23.75(g), the applicant must also determine the increase in landing distance due to failure of the propeller primary control system. This configuration includes both engines operating normally and the propeller primary control system failed to the most critical thrust producing condition considering all single point failures.

Issued in Kansas City, Missouri, on April 25, 2001.

**Michael K. Dahl,**

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

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 62

RIN 3067-AD17

### National Flood Insurance Program (NFIP); Pilot Project—Public Entity Insurers

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Proposed rule.

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**SUMMARY:** We (the Federal Insurance Administration of FEMA) are proposing to launch a three-year pilot project that would permit intergovernmental risk-