

Representatives and the President of the Senate thirty legislative days prior to final promulgation. The revisions to 11 CFR 9034.2 and 9034.3 were transmitted to Congress on June 11, 1999. Thirty legislative days expired in the Senate and the House of Representatives on September 9, 1999.

In the Explanation and Justification that accompanied the final rules, the Commission explained that, since many presidential campaigns will have engaged in substantial fundraising by the time these rules take effect, it would retroactively match credit and debit card contributions made on January 1, 1999 and thereafter. 64 FR at 32397. Accordingly, these new rules are effective retroactive to January 1, 1999.

Also, on June 10, 1999, the Commission approved Advisory Opinion ("AO") 1999-9 on this same topic, but stated that this approval would be of no effect if Congress and the President disapproved these final rules. Since this did not occur, the contingency has been removed, and AO 1999-9 is now in effect.

Announcement of Effective Date: The amendments to 11 CFR 9034.2 and 9034.3, as published at 64 FR 32394 (June 17, 1999), are effective retroactive to January 1, 1999.

Dated: September 17, 1999.

**Scott E. Thomas,**

*Chairman, Federal Election Commission.*

[FR Doc. 99-24773 Filed 9-22-99; 8:45 am]

BILLING CODE 6715-01-U

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM157; Special Conditions No. 25-149-SC]

#### Special Conditions: Boeing Model 767-400ER; Sudden Engine Stoppage

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

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the Boeing Model 767-400ER airplane. This airplane will have a novel or unusual design feature(s) associated with sudden engine stoppage. 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.

**EFFECTIVE DATE:** September 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** Joe Jacobsen, FAA, Standardization Branch, ANM-113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (425)227-2011; facsimile (425)227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 14, 1997, Boeing Commercial Airplane Group applied for an amendment to Type Certificate No. A1NM to include the new Model 767-400ER. The Model 767-400ER, which is a derivative of the Model 767-200/-300 series airplanes currently approved under Type Certificate No. A1NM, is a swept wing, conventional-tail twin engine, turbofan-powered transport. The airframe has been strengthened to accommodate the increased design loads and weights. The airplane has a seating capacity of up to 375, and a maximum takeoff weight of 450,000 pounds (204,120 Kg). Each engine will be capable of delivering 62,000 pounds of thrust. The flight controls are unchanged beyond those changes deemed necessary to accommodate the stretched configuration.

##### Type Certification Basis

Under the provisions of 14 CFR 21.101, Boeing must show that the Model 767-400ER airplane meets the applicable provisions of the regulations incorporated by reference in Type Certificate No. A1NM, or the applicable regulations in effect on the date of application for the change to the Model 767-400ER. 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. A1NM include 14 CFR part 25, as amended by Amendments 25-1 through 25-45 with a few exceptions, and certain other later amended sections of part 25 that are not relevant to these special conditions. In addition, Boeing has chosen to comply with the applicable regulations in effect on January 14, 1997; specifically part 25 as amended by Amendments 25-1 through 25-89 and certain other earlier amended sections of part 25 that are not relevant to these special conditions. Three exemptions have been granted. These special conditions form an additional part of the type certification basis.

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 Boeing Model 767-400ER airplane 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 767-400ER airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34, effective September 10, 1990, plus any amendments in effect at the time of certification; and the noise certification requirements of 14 CFR part 36, effective December 1, 1969, as amended by Amendment 36-1 through the amendment in effect at the time of certification.

Special conditions, as appropriate, are issued in accordance with 14 CFR 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 21.101(b)(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, or should any other model already included on the same type certificate be modified to incorporate 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 engine proposed for the Boeing Model 767-400ER airplane will incorporate the unusual design feature of a high-bypass ratio fan jet engine that will not necessarily seize and produce transient engine loads in the same manner that is envisioned by current § 25.361(b)(1) related to "sudden engine stoppage."

##### Discussion of Comments

Notice of Proposed Special Conditions No. 25-99-05-SC for the Boeing Model 767-400ER airplanes was published in the **Federal Register** on May 20, 1999 (64 FR 27478). Two comments were received. One commenter objects to the proposed special condition because it allows engine support structures to be subjected to loads beyond limit loads in the event of sudden engine stoppage. The commenter further states that such a reduction in the robustness of the engine support structure without hard data to justify it is not appropriate. The FAA has reviewed the notice, and has concluded that it was not put forth in a manner that fully reflected the

improvement in safety that was intended. The existing 25.361(b) requires the consideration of a pure torque condition with no consideration of other combined loads (e.g. lateral loads) that are associated with engine failures. Furthermore, this pure torque load is treated as a simple static limit load condition without regard to any dynamic amplification. Then, the ultimate design load is determined by using a safety factor of 1.5 on the static torque load. In the past, the engine manufacturers estimated the pure limit torque load condition based on typical failure loads and provided them to the airframe manufacturer. These design limit loads did not necessarily reflect the worst possible failure condition and did not include the possible effects of dynamic amplification. The FAA considers that engines have evolved to a point that such a simplified approach, developed over 40 years ago for the first turbojet engines, is no longer appropriate for modern high bypass turbofan engines. The FAA and the industry (including both the engine and airframe manufacturers) have continued to address this issue, and to refine the necessary design approach, since the first special conditions were issued on this subject for other similar airplane types. The design approach now contains a more rational treatment of sudden engine stoppage events. The airframe manufacturers had already begun to employ the improved criteria, even though the FAA had not updated the special condition at the time that Notice No. 25-99-05-SC was published.

Another commenter, who is familiar with the more rational approach developed by the FAA and industry, was also concerned that it was not reflected in Notice No. 25-99-05-SC. This could allow an interpretation that would result in an inadequate level of safety. This commenter believes the special condition should be modified to reflect the more comprehensive approach that is already in practice in the industry.

The FAA concurs with these commenters. The special condition is modified to reflect the more comprehensive approach associated with determination of the load and the method of applying it to the airplane. Phrases have been added to the special condition to reflect the transient dynamic nature of the loads and the specific types of failures that must be included.

The safety factors associated with these loads remain the same as proposed in Notice No. 25-99-05-SC. This is justified because every effort is being made to develop the true ultimate

transient load time history from actual tests of the most extreme conditions of operation and with the most severe failures, such as the blade failure tests required under 14 CFR 33.94 "Blade containment and rotor unbalance tests." The derived loads include all aspects of the transient load, including torque and lateral load time histories. This transient loading is then applied to the engine mounts, pylon, and airframe structure in a comprehensive dynamic analysis.

The application of this revised special condition will not be an undue burden for Boeing since, on their own initiative, they have used the more rational criteria in designing the Model 767-400ER.

#### Applicability

As discussed above, these special conditions are applicable to the Boeing Model 767-400ER. Should Boeing apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Under standard practice, the effective date of final special conditions would be 30 days after the date of publication in the **Federal Register**; however, as the certification date for the Boeing Model 767-400ER is imminent, the FAA finds that good cause exists to make these special conditions effective upon issuance.

#### Conclusion

This action affects only certain novel or unusual design features on one airplane model. 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

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 Boeing Model 767-400ER airplanes.

1. *Engine Failure Loads.* In lieu of compliance with § 25.361(b), the following special condition applies:

a. For turbine engine installations, the engine mounts, pylons and adjacent supporting airframe structure must be designed to withstand 1g level flight

loads acting simultaneously with the maximum limit torque loads imposed by each of the following:

(1) Sudden engine deceleration due to a malfunction which could result in a temporary loss of power or thrust,

(2) The maximum acceleration of the engine.

b. For auxiliary power unit installations, the power unit mounts and adjacent supporting airframe structure must be designed to withstand 1g level flight loads acting simultaneously with the maximum limit torque loads imposed by each of the following:

(1) Sudden auxiliary power unit deceleration due to malfunction or structural failure; and

(2) The maximum acceleration of the power unit.

c. For engine supporting structure, an ultimate loading condition must be considered that combines 1g flight loads with the transient dynamic loads resulting from:

(1) The loss of any fan, compressor, or turbine blade; and separately

(2) Where applicable to a specific engine design, any other engine structural failure that results in higher loads.

d. The ultimate loads developed from the conditions specified in paragraphs (c)(1) and (c)(2) are to be multiplied by a factor of 1.0 when applied to engine mounts and pylons and multiplied by a factor of 1.25 when applied to adjacent supporting airframe structure.

Issued in Renton, Washington on September 16, 1999.

**Vi L. Lipski,**

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

[FR Doc. 99-24793 Filed 9-22-99; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM155; Special Conditions No. 25-148-SC]

#### Special Conditions: Boeing Model 767-300 Series Airplanes; Seats with Inflatable Lapbelts

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

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for Boeing Model 767-300 series airplanes. These airplanes as modified by Am-Safe, Inc. will have novel and