

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL ELECTION COMMISSION

11 CFR Part 100

[Notice 1999-7]

Definition of "Express Advocacy"

AGENCY: Federal Election Commission.

ACTION: Notice of Disposition of Petition for Rulemaking.

SUMMARY: The Commission announces its disposition of a Petition for Rulemaking filed on January 11, 1999 by James Bopp, Jr., and the James Madison Center for Free Speech on behalf of the Virginia Society for Human Life. The petition urged the Commission to revise its definition of "express advocacy" to reflect certain recent court decisions on this issue. In a pair of 3-3 vote decisions, the Commission declined to act on this Petition.

DATES: April 29, 1999.

FOR FURTHER INFORMATION CONTACT: N. Bradley Litchfield, Associate General Counsel, or Rita A. Reimer, Attorney, 999 E Street, N.W., Washington, D.C. 20463, (202) 694-1650 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: On January 11, 1999, the Commission received a Petition for Rulemaking from James Bopp, Jr., and the James Madison Center for Free Speech on behalf of the Virginia Society for Human Life. The Petition urged the Commission to revise the definition of "express advocacy" set forth at 11 CFR 100.22 by repealing paragraph 100.22(b). The challenged paragraph defines "express advocacy" to include communications in which the electoral portion is "unmistakable, unambiguous, and suggestive of only one meaning, and reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidate(s) or encourages some other action."

The Commission published a Notice of Availability on the Petition on February 3, 1999, 64 FR 5200, and received six comments in response. The Commission received comments from

the Brennan Center for Justice; Common Cause; Craig A. Dimitri; the Free Speech Coalition, Inc.; Cleta Mitchell, on behalf of the First Amendment Project of the Americans Back in Charge Foundation; the National Citizens Legal Network; and William Westmiller.

On April 29, 1999, the Commission voted 3-3 on two motions involving this Petition. The first 3-3 vote decision came on a motion to adopt the Office of General Counsel's recommendation that the Commission decline to open a rulemaking in response to the Petition, and the second on a motion to direct the Office of General Counsel to open the requested rulemaking. Since neither motion received the affirmative vote of four members of the Commission, the Commission is announcing that no further action on the Petition will be taken at this time. See 2 U.S.C. 437(c).

Dated: May 14, 1999.

Scott E. Thomas,

Chairman, Federal Election Commission.

[FR Doc. 99-12663 Filed 5-19-99; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM157; Notice No. 25-99-05-SC]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed special conditions.

SUMMARY: This document proposes special conditions for the Boeing Model 767-400ER airplane. This airplane will have a novel or unusual design feature associated with sudden engine stoppage. 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 July 6, 1999.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal

Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket (ANM-7), Docket No. NM157, 1601 Lind Avenue SW, Renton, Washington, 98055-4056, or delivered in duplicate to the Office of the Regional Counsel at the above address.

Comments must be marked: NM157. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m. **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:

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 notice 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 notice must include with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to NM157." The postcard will be date stamped and returned to the commenter.

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 airplane, a derivative of the Model 767-200/-300 series airplanes. The Model 767-400ER airplane 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 seize and produce transient torque loads in the same manner that is envisioned by current § 25.361(b)(1) related to "sudden engine stoppage."

Discussion

For the engine proposed for the Model 767-400ER airplanes, the limit engine torque load imposed by sudden engine stoppage due to malfunction or structural failure (such as compressor jamming) has been a specific requirement for transport category airplanes since 1957. The size, configuration, and failure modes of jet engines has changed considerably from those envisioned in 14 CFR § 25.361(b) when the engine seizure requirement was first adopted. Engines have grown much larger and are now designed with large bypass fans capable of producing much higher torque loads if they become jammed.

Relative to the engine configuration that existed when the rule was developed in 1957, the present generation of engines are sufficiently different and novel to justify issuance of a special condition to establish appropriate design standards. The latest generation of jet engines is capable of producing engine seizure torque loads that are significantly higher than previous generations of engines.

The FAA is developing a new regulation and a new advisory circular that will provide more comprehensive criteria for treating engine torque loads resulting from sudden engine stoppage. In the meantime, a special condition is needed to establish appropriate criteria for the Boeing Model 767-400ER airplane.

Limit Engine Torque Loads for Sudden Engine Stoppage

In order to maintain the level of safety envisioned by § 25.361(b), more comprehensive criteria are needed for the new generation of high bypass engines. These special conditions distinguish between the more common seizure events and those rare seizure events resulting from structural failures in the engine. For these more rare but severe seizure events, the criteria would allow some deformation in the engine supporting structure (ultimate load design) in order to absorb the higher energy associated with the high bypass engines, while at the same time protecting the adjacent primary structure in the wing and fuselage by applying a higher factor of safety to the maximum torque load imposed by sudden engine stoppage due to a structural failure.

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).

Conclusion

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

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 Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Boeing Model 767-400ER airplanes.

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

(a) For turbine engine and auxiliary power unit installations, the mounts and local supporting structure must be designed to withstand each of the following:

(1) The maximum torque load, considered as limit, imposed by:

(i) sudden deceleration of the engine due to a malfunction that could result in a temporary loss of power or thrust capability, and that could cause a shutdown due to vibrations; and

(ii) the maximum acceleration of the engine and auxiliary power unit.

(2) The maximum torque load, considered as ultimate, imposed by sudden engine or auxiliary power unit stoppage due to a structural failure, including fan blade failure.

(3) The load condition defined in paragraph (a)(2) of this section is also assumed to act on adjacent airframe structure, such as the wing and fuselage. This load condition is multiplied by a factor of 1.25 to obtain ultimate loads when the load is applied to the adjacent wing and fuselage supporting structure.

Issued in Renton, Washington, on May 7, 1999.

John J. Hickey,

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

[FR Doc. 99-12609 Filed 5-19-99; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-329-AD]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to all Fokker Model F.28 Mark 0070 and 0100 series airplanes, that currently requires Airplane Flight Manual (AFM) and maintenance program revisions, modifications, and repetitive checks associated with ensuring the integrity of the thrust reverser system. That AD was prompted by results of a review, which indicated that a potential latent failure of the secondary lock actuator switch 1 of the thrust reverser system in the open position may occur, in addition to the potential failure of the secondary lock relay 1 in the energized position. This proposed AD would continue to require the modifications and repetitive checks, and would add an AFM revision, repetitive operational tests, and other

modifications related to the thrust reverser system. The new modifications would terminate the repetitive operational checks and tests. The actions specified by the proposed AD are intended to ensure protection against inadvertent deployment of the thrust reversers during flight, which could result in reduced controllability of the airplane.

DATES: Comments must be received by June 21, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-329-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-329-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-329-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On December 20, 1996, the FAA issued AD 96-26-03, amendment 39-9866 (62 FR 604, January 6, 1997), applicable to all Fokker Model F.28 Mark 0070 and 0100 series airplanes, to require a revision to the Airplane Flight Manual (AFM) to enable the flightcrew to determine if the thrust reversers are properly stowed and locked prior to take-off. In addition, that AD requires a revision to the maintenance program to incorporate instructions to perform checks of the thrust reverser system and correct thrust reverser malfunctions. That AD also requires modifications that serve as terminating actions for the revisions to the AFM and maintenance program, and repetitive checks of the thrust reverser system. That action was prompted by results of a review, which indicated that a potential latent failure of the secondary lock actuator switch 1 of the thrust reverser system in the open position may occur, in addition to the potential latent failure of the secondary lock relay 1 in the energized position. The requirements of that AD are intended to ensure protection against inadvertent deployment of the thrust reversers during flight.

Actions Since Issuance of Previous Rule

In the preamble to AD 96-26-03, the FAA specified that the actions required by that AD were considered to be interim action and that the manufacturer would develop a modification to positively address the unsafe condition. The FAA indicated that it may consider further rulemaking action once a modification was developed, approved, and available. The manufacturer now has developed such a modification, and the FAA has determined that further rulemaking action is indeed necessary; this proposed AD follows from that determination.