

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 25**

[Docket No. NM245; Special Conditions No. 25-229-SC]

Special Conditions: Bombardier Aerospace Model BD-100-1A10; Sudden Engine Stoppage

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued to Bombardier Aerospace for the Model BD-100-1A10 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes, associated with engine size and torque load which affects 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.

DATES: The effective date of these special conditions is March 6, 2003. Comments must be received on or before May 1, 2003.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attn: Rules Docket (ANM-113), Docket No. NM245, 1601 Lind Avenue SW., Renton, Washington 98055-4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. All comments must be marked: Docket No. NM245. 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: Todd Martin, FAA Airframe/Cabin Safety Branch, ANM-115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (425) 227-1178; facsimile (425) 227-1320.

SUPPLEMENTARY INFORMATION:**FAA Determination as to Need for Public Process**

The FAA has determined that notice and opportunity for prior public

comment are unnecessary in accordance with 14 CFR 11.38, because the FAA has provided previous opportunities to comment on substantially identical special conditions and has fully considered and addressed all the substantive comments received. Based on a review of the comment history and the comment resolution, the FAA is satisfied that new comments are unlikely. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

Although this action is in the form of final special conditions and, for the reasons stated above, is not preceded by notice and an opportunity for public comment, comments are invited on these special conditions. We invite interested persons to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning these special conditions. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions in light of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on these special conditions, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it back to you.

Background

On June 28, 1999, Bombardier Aerospace applied for a new type certificate for their Model BD-100-1A10 airplane. The BD-100-1A10 is a medium range transport category airplane, powered by two rear fuselage-mounted Allied Signal AS907 engines. This engine model is a high bypass turbofan engine, with 6826 lb. takeoff thrust at sea level flat rated to ISA+20°.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Bombardier Aerospace must show that the Model BD-100-1A10 meets the applicable provisions of part 25, as amended by Amendments 25-1 through 25-98. The type certification basis for the Model BD-100-1A10 will therefore include 14 CFR part 25, effective February 1, 1965, including Amendments 25-1 through 25-98; 14 CFR, part 34, effective September 10, 1990, including Amendment 34-1, and any subsequent amendments that will be applicable on the date the type certificate is issued; and 14 CFR part 36, effective December 1, 1969, including Amendments 36-1 through 36-22, and any subsequent amendments that will be applicable on the date the type certificate is issued. The certification basis may also include certain exceptions, exemptions, and other special conditions that are not relevant to these special conditions:

If the Administrator finds that the applicable airworthiness regulations (that is, part 25) do not contain adequate or appropriate safety standards for the Model BD-100-1A10 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 BD-100-1A10 must comply with the fuel vent and exhaust emission requirements of part 34 and the noise certification requirements of part 36; and the FAA must issue a finding of regulatory adequacy pursuant to Section 611 of Public Law 92-574, the "Noise Control Act of 1972."

Special conditions, as defined in § 11.19, are issued in accordance with § 11.38 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) [Amendment 21-69, effective September 16, 1991].

Novel or Unusual Design Features

The Bombardier Aerospace Model BD-100-1A10 will incorporate novel or unusual design features involving engine size and torque load that affect sudden engine stoppage conditions.