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## MERIT SYSTEMS PROTECTION BOARD

### 5 CFR Part 1201

#### Final Regulatory Changes Designating the Dallas Field Office as the Dallas Regional Office

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Final rule.

**SUMMARY:** The Merit Systems Protection Board (MSPB or Board) is amending Appendix II and Appendix III of this part to rename the Dallas Field Office as the Dallas Regional Office. This change is being made to eliminate an unnecessary layer of supervision and achieve parity with other regional offices in the supervision of the administrative judges and support staff. This change will better reflect the actual workload and size of the Board's Dallas office.

**EFFECTIVE DATE:** October 22, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Timothy L. Korb, Information Services, Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419; (202) 653-7200; fax: (202) 653-7130; e-mail: [mspb@mspb.gov](mailto:mspb@mspb.gov).

**SUPPLEMENTARY INFORMATION:** The Board is amending Appendix II and Appendix III of this part to rename the Dallas Field Office as the Dallas Regional Office. This change is being made to better reflect the actual status of the office. Specifically, the workload, at 821 case receipts in fiscal year 2003, was similar to that of the regional offices, and well in excess of that of the other field offices. In fact, this has been the trend in all fiscal years since 1999. Further, the staffing level of the office is comparable to that of the regional offices, and again, greater than that of the other field offices. This, too, has consistently been the case in recent years. Finally, the Dallas office, alone

among the current field offices, was a Regional Office even after the Board created a field office structure, and lost that designation only as a result of the retirement of the Regional Director.

The Board is publishing this rule as a final rule pursuant to 5 CFR part 1201.

#### List of Subjects in Part 1201

Administrative Practice and Procedure.

### PART 1201—PRACTICES AND PROCEDURES

- 1. The authority citation for part 1201 continues to read as follows:

**Authority:** 5 U.S.C. 1204 and 7701, unless otherwise noted.

#### Appendix II [Amended]

- 2. Amend Appendix II to Part 1201 at paragraph 2a by removing the word "Field" and adding in its place the word "Regional," and redesignating paragraph 2a as paragraph 6.

#### Appendix III [Amended]

- 3. Amend Appendix III to Part 1201 by removing the term "Dallas Field Office" and by adding in its place "Dallas Regional Office".

Dated: October 18, 2004.

**Bentley M. Roberts, Jr.,**

*Clerk of the Board.*

[FR Doc. 04-23644 Filed 10-21-04; 8:45 am]

**BILLING CODE 7400-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM292, Special Conditions No. 25-275-SC]

#### Special Conditions: Dassault-Breguet Model Falcon 10 Airplanes; High Intensity Radiated Fields (HIRF)

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

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for Dassault-Breguet Model Falcon 10 airplanes modified by Flight Test Associates Incorporated, of Mojave, California. The modified airplanes will have novel and unusual design features

when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The modification incorporates the installation of Honeywell Model AM-250 Altimeters. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the existing airworthiness standards.

**DATES:** The effective date of these special conditions is October 22, 2004. Comments must be received on or before November 22, 2004.

**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. NM292, 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. NM292.

**FOR FURTHER INFORMATION CONTACT:** Greg Dunn, FAA, Airplane and Flight Crew Interface Branch, ANM-111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (425) 227-2799; facsimile (425) 227-1320.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The FAA has determined that notice and opportunity for prior public comment is impracticable, because these procedures would significantly delay certification of the airplane and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA, therefore, finds that good cause exists for making these special conditions effective upon issuance; however, the FAA invites 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, based on the comments received.

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 10, 2004, Flight Test Associates Incorporated, of Mojave, California, applied to the FAA, Los Angeles Aircraft Certification Office, for a supplemental type certificate (STC) to modify Dassault-Breguet Model Falcon 10 airplanes. The proposed modification incorporates the installation of digital Honeywell Model AM-250 Barometric Altimeters as primary altimeters. These digital altimeters would perform critical functions, that is functions whose failure would prevent the continued safe flight and landing of the airplane. The digital altimeters to be installed in these airplanes have the potential to be vulnerable to high-intensity radiated fields (HIRF) external to the airplane.

### Type Certification Basis

Under the provisions of 14 CFR 21.101, Flight Test Associates must show that the Model Falcon 10 airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A33EU or the applicable regulations in effect on the date of application for the change. 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. A33EU include 14 CFR part 25, as amended by Amendments 25-1 through 25-20.

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 modified Dassault-Breguet Model Falcon 10 airplanes 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 Falcon 10 airplanes 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 defined in 14 CFR 11.19, are issued in accordance with § 11.38 and become part of the type certification basis in accordance with § 21.101.

Special conditions are initially applicable to the model for which they are issued. Should Flight Test Associates apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A33EU to incorporate the same or similar novel or unusual design feature, these special conditions would also apply to the other model under the provisions of § 21.101.

### Novel or Unusual Design Features

The Dassault-Breguet Model Falcon 10 airplanes modified by Flight Test Associates Incorporated will incorporate new dual primary altimeters that will perform critical functions. These systems may be vulnerable to HIRF external to the airplane. The current airworthiness standards of part 25 do not contain adequate or appropriate safety standards for the protection of this equipment from the adverse effects of HIRF. Accordingly, this system is considered to be a novel or unusual design feature.

### Discussion

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive avionics/electronics and electrical systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the Dassault-Breguet Model Falcon 10 airplanes modified by Flight Test Associates Incorporated. These special

conditions require that new primary altimeters that perform critical functions be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

### High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground-based transmitters and the advent of space and satellite communications coupled with electronic command and control of the airplane, the immunity of critical digital avionics/electronics and electrical systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF.

Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraph 1 or 2 below:

1. A minimum threat of 100 volts rms (root-mean-square) per meter electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the field strengths identified in the table below for the frequency ranges indicated. Both peak and average field strength components from the table are to be demonstrated.

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz .....	50	50
100 kHz–500 kHz .....	50	50
500 kHz–2 MHz .....	50	50
2 MHz–30 MHz .....	100	100
30 MHz–70 MHz .....	50	50
70 MHz–100 MHz .....	50	50
100 MHz–200 MHz .....	100	100
200 MHz–400 MHz .....	100	100
400 MHz–700 MHz .....	700	50
700 MHz–1 GHz .....	700	100
1 GHz–2 GHz .....	2000	200
2 GHz–4 GHz .....	3000	200
4 GHz–6 GHz .....	3000	200
6 GHz–8 GHz .....	1000	200
8 GHz–12 GHz .....	3000	300
12 GHz–18 GHz .....	2000	200
18 GHz–40 GHz .....	600	200

The field strengths are expressed in terms of peak of the root-mean-square (rms) over the complete modulation period.

The threat levels identified above are the result of an FAA review of existing studies on the subject of HIRF, in light of the ongoing work of the Electromagnetic Effects Harmonization Working Group of the Aviation Rulemaking Advisory Committee.

### Applicability

As discussed above, these special conditions are applicable to Dassault-Breguet Model Falcon 10 airplanes modified by Flight Test Associates Incorporated. Should Flight Test Associates Incorporated apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A33EU to incorporate the same or similar novel or unusual design feature, these special conditions would apply to that model as well as under the provisions of 14 CFR 21.101.

### Conclusion

This action affects only certain novel or unusual design features on Dassault-Breguet Model Falcon 10 airplanes modified by Flight Test Associates Incorporated. It is not a rule of general applicability and affects only the applicant which applied to the FAA for approval of these features on the airplane.

The substance of the special conditions for these airplanes has been subjected to the notice and comment procedure in several prior instances and has been derived without substantive change from those previously issued. Because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

### List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and record keeping 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 supplemental type certification basis for the Dassault-

Breguet Model Falcon 10 airplanes modified by Flight Test Associates Incorporated:

1. *Protection From Unwanted Effects of High-Intensity Radiated Fields (HIRF)*. Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high intensity radiated fields.

2. For the purpose of these special conditions, the following definition applies:

**Critical Functions:** Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on October 14, 2004.

**Kalene C. Yanamura,**

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

[FR Doc. 04-23668 Filed 10-21-04; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2004-19118; Directorate Identifier 2004-CE-25-AD; Amendment 39-13826; AD 2004-21-05]

**RIN 2120-AA64**

**Airworthiness Directives; Kelly Aerospace Power Systems B-Series Combustion Heaters Models B1500, B2030, B2500, B3040, B3500, B4050, and B4500 (Formerly Owned by JanAero Devices, Janitrol, C&D, FL Aerospace, and Midland-Ross Corporation)**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is superseding Airworthiness Directive (AD) 96-20-07, which applies to certain B-Series Combustion Heaters Models B1500, B2030, B3040, and B4050 that are installed on airplanes. AD 96-20-07 currently requires you to repetitively test (pressure decay) the combustion tube and overhaul any heater that does not pass any test. AD 96-20-07 also requires you to repetitively test the operation of the combustion air pressure switch and replace any combustion

pressure switch that does not pass one of the tests. As a terminating action for the repetitive test requirements of AD 96-20-07, you could install a new ceramic-coated combustion tube and an improved design combustion air pressure switch. This AD is the result of reports that the new ceramic-coated combustion tubes are subject to the same distress as the non-ceramic coated combustion tubes. Consequently, this AD retains the repetitive testing requirements of AD 96-20-07, removes the terminating action for the combustion tube, and adds Models B2500, B3500, and B4500 to the applicability section. We are issuing this AD to prevent combustion by-products (carbon-monoxide exhaust) and fuel leakage from the combustion heaters caused by failure of the combustion heater system. This failure could result in fire or explosion in the airplane and possible carbon monoxide poisoning of the crew and passengers in the cabin.

**DATES:** This AD becomes effective on November 19, 2004.

On November 14, 1996 (61 FR 51357, October 2, 1996), the Director of the Federal Register approved the incorporation by reference of JanAero Devices Service Bulletin # A-103, dated September 1995.

We must receive any comments on this AD by December 20, 2004.

**ADDRESSES:** Use one of the following to submit comments on this AD:

- **DOT Docket Web site:** Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- **Government-wide rulemaking Web site:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- **Mail:** Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

- **Fax:** 1-202-493-2251.

- **Hand Delivery:** Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

To get the service information identified in this AD, contact Kelly Aerospace Power Systems, P.O. Box 273, Fort Deposit, Alabama 36032; telephone: (334) 227-8306; facsimile: (334) 227-8596; Internet: <http://www.kellyaerospace.com>.

To view the comments to this AD, go to <http://dms.dot.gov>. The docket number is FAA-2004-19118.

**FOR FURTHER INFORMATION CONTACT:** Kevin L. Brane, Aerospace Engineer,