

f.o.b. revenue could range between .10 and .22 percent.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the South Texas onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the October 28, 2004, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This action imposes no additional reporting or recordkeeping requirements on either small or large South Texas onion handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2004–05 fiscal period began on August 1, 2004, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable onions handled during such fiscal period; (2) this action decreases the assessment rate for

assessable onions beginning with the 2004–05 fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim final rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

#### List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 959 is amended as follows:

#### PART 959—ONIONS GROWN IN SOUTH TEXAS

■ 1. The authority citation for 7 CFR part 959 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Section 959.237 is revised to read as follows:

##### § 959.237 Assessment rate.

On and after August 1, 2004, an assessment rate of \$0.02 per 50-pound equivalent is established for South Texas onions.

Dated: December 23, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04–28631 Filed 12–29–04; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM296; Special Conditions No. 25–278–SC]

#### Special Conditions: Dassault Aviation Model Falcon Fan Jet, Falcon Fan Jet Series D, –Series E, –Series F airplanes; and Mystere-Falcon Model 20–C5, –20–D5, –20–E5, –20–F5, and –200 Series 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 Aviation Model Falcon Fan Jet, Falcon Fan Jet series D, –series E, –series F airplanes; and Mystere-Falcon Model 20–C5, –20–D5,

–20–E5, –20–F5, and –200 series airplanes modified by Premier Air Center. These 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 a Universal EFI–890 Electronic Flight Display System, the Collins Attitude-Heading Reference System, and a Computer Instruments Corporation (CIC) Air Data System. 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 established by the existing airworthiness standards.

**DATES:** The effective date of these special conditions is December 20, 2004. Comments must be received on or before January 31, 2005.

**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. NM296, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. Comments must be marked: Docket No. NM296.

**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) 227–1149.

#### 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 airplanes 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, 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 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 May 13, 2004, Premier Air Center, 18 Terminal Drive, East Alton, Illinois, 62024, applied for a supplemental type certificate (STC) to modify Dassault Aviation Model Falcon Fan Jet, Falcon Fan Jet series D, -series E, -series F airplanes; and Mystere-Falcon Model 20-C5, -20-D5, -20-E5, -20-F5, and -200 series airplanes. These models are currently approved under Type Certificate No. A7EU. These Dassault airplane models are transport category airplanes powered by two turbofan engines with maximum takeoff weights of up to 29,000 pounds. These airplanes operate with a 2-pilot crew and can seat up to 10 passengers. The modification incorporates the installation of a Universal EFI-890 Electronic Flight Display System, the Collins Attitude-Heading Reference System, and a Computer Instruments Corporation (CIC) Air Data System. The avionics/electronics and electrical systems installed in these airplanes have the potential to be vulnerable to high-intensity radiated fields (HIRF) external to the airplanes.

### Type Certification Basis

Under the provisions of 14 CFR 21.101, Premier Air Center must show that the Dassault Aviation Model Falcon Fan Jet, Falcon Fan Jet series D, -series E, -series F airplanes; and Mystere-Falcon Model 20-C5, -20-D5, -20-E5,

-20-F5, and -200 series airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A7EU, 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 certification basis for the Dassault Aviation Model Falcon Fan Jet, Falcon Fan Jet series D, -series E, -series F airplanes includes the applicable paragraphs of CAR 4b, as amended by Amendments 4b-1 through 4b-12, Special Regulation SR-422B, and 14 CFR part 25 as amended by Amendments 25-1 through 25-4, in lieu of CAR 4b.350(e) and (f). The certification basis for the Dassault Aviation Mystere-Falcon Model 200 series airplanes includes the applicable paragraphs of CAR 4b, as amended by Amendments 4b-1 through 4b-12, Special Regulation SR-422B and 14 CFR part 25 as amended by Amendments 25-1 through 25-46. The certification basis for the Dassault Aviation Mystere-Falcon Model 20-C5, -20-D5, -20-E5, -20-F5 series airplanes includes the applicable paragraphs of CAR 4b, as amended by Amendments 4b-1 through 4b-12, Special Regulation SR-422B, and 14 CFR part 25 as amended by Amendments 25-1 through 25-56; § 25.904 and Appendix 1 as amended by Amendment 25-62; SFAR 27 as amended by Amendments 27-1 through 27-6; and 14 CFR part 36 as amended by Amendments 36-1 through 36-15. In addition, the certification basis includes certain later amended sections of the applicable part 25 regulations that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, part 25, as amended) do not contain adequate or appropriate safety standards for modified Model Falcon Fan Jet, Falcon Fan Jet series D, -series E, -series F airplanes; and Mystere-Falcon Model 20-C5, -20-D5, -20-E5, -20-F5, and -200 series 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 Dassault Aviation Model Falcon Fan Jet, Falcon Fan Jet series D, -series E, -series F airplanes; and Mystere-Falcon Model 20-C5, -20-D5, -20-E5, -20-F5, and -200 series 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 Premier Air Center apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A7EU to incorporate the same 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

As noted earlier, the Dassault Model Falcon Fan Jet, Falcon Fan Jet series D, -series E, -series F airplanes; and Mystere-Falcon Model 20-C5, -20-D5, -20-E5, -20-F5, and -200 series airplanes modified by Premier Air Center will incorporate electronic displays and advanced heading reference systems that will perform critical functions. These systems may be vulnerable to high-intensity radiated fields 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 electronic and electrical 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 Model Falcon Fan Jet, Falcon Fan Jet series D, -series E, -series F airplanes; and Mystere-Falcon Model 20-C5, -20-D5, -20-E5, -20-F5, and -200 series airplanes modified by Premier Air Center. These special conditions require that new avionics/electronics and electrical systems 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 is shown with either HIRF protection special condition 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 the Dassault Aviation Model Falcon Fan Jet, Falcon Fan Jet series D, –series E, –series F airplanes; and Mystere-Falcon Model 20–C5, –20–D5, –20–E5, –20–F5, and –200 series airplanes. Should Premier Air Center apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A7EU to incorporate the same or similar novel or unusual design feature, these special conditions would apply to that model as well under the provisions of § 21.101.

**Conclusion**

This action affects only certain novel or unusual design features on the Dassault Aviation Model Falcon Fan Jet, Falcon Fan Jet series D, –series E, –series F airplanes; and Mystere-Falcon Model –20–C5, –20–D5, –20–E5, –20–F5, and –200 series airplanes modified by Premier Air Center. It is not a rule of general applicability and affects only the applicant who 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 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 supplemental type certification basis for the Dassault Model

Falcon Fan Jet, Falcon Fan Jet series D, –series E, –series F airplanes; and Mystere-Falcon Model 20–C5, –20–D5, –20–E5, –20–F5, and –200 series airplanes modified by Premier Air Center.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electronic and electrical 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 December 20, 2004.

**Kevin Mullin,**

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

[FR Doc. 04–28556 Filed 12–29–04; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA–2004–19972; Directorate Identifier 2004–NM–273–AD; Amendment 39–13924; AD 2004–26–12]

**RIN 2120–AA64**

**Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Series Airplanes**

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

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

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all EMBRAER Model ERJ 170 series airplanes. This AD requires revising the airplane flight manual (AFM) to include certain operational instructions and prohibit dispatch of any flight with the integrated electronic standby system (IESS) inoperative, even though it is allowed by the current version of the Master Minimum Equipment List; and performing a test to determine proper operation of the network interface card (NIC) communications and repairing if necessary. This AD also requires