

comments received will be considered prior to finalization of this rule.

#### List of Subjects in 7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 993 is amended as follows:

#### PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 993 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. In Part 993, §§ 993.21d, 993.54, 993.55, 993.56, 993.57, 993.58, 993.59, 993.62, 993.65, 993.156, 993.157, 993.158, 993.159, 993.162, 993.165, and 993.172(e) are suspended in their entirety.

#### § 993.33 [Suspended in part]

■ 3. In the first sentence of § 993.33, the words, “salable and reserve percentages, and on any matters pertaining to the control or disposition of reserve prunes or to prune plum diversion pursuant to § 993.62,” are suspended.

■ 4. In § 993.36, paragraph (i) is suspended.

#### § 993.41 [Amended]

■ 5. Section 993.41 is amended as follows:

■ a. Suspending paragraph (b)(2) in its entirety.

■ b. Suspending the words “and reserve” in paragraph (b)(3).

■ c. Suspending words “without regard to possible diversions of prune plums by producers” in paragraph (b)(4).

■ d. Suspending paragraphs (b)(10), (b)(11), and (b)(12) in their entirety.

#### § 993.173 [Amended]

■ 6. In § 993.173, paragraph (a)(6) the words “itemized as to salable and reserve prunes by category” are suspended and in paragraph (c)(1) the words “and the tonnage of reserve prunes by size in each category;” are suspended.

Dated: July 2, 2003.

**A. J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 03–17276 Filed 7–8–03; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 23

[Docket No. CE196; Special Conditions No. 23–136–SC]

#### Special Conditions: CenTex Aerospace, Inc: Raytheon/Beech Model 58, Installation of Full Authority Digital Engine Control (FADEC) System and the Protection of the System From the Effects of High Intensity Radiated Fields (HIRF)

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

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

**SUMMARY:** These special conditions are issued to CenTex Aerospace, Inc.: 7805 Karl May Drive; Waco, Texas 76708 for modifications to the Raytheon/Beech Model 58 airplane. The airplanes, modified by CenTex, will have a novel or unusual design feature(s) associated with the installation of engines that use an electronic engine control system in place of the engine’s mechanical system. 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: June 9, 2003.

Comments must be received on or before August 8, 2003.

**ADDRESSES:** Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration (FAA), Regional Counsel, ACE–7, Attention: Rules Docket, Docket No. CE196, 901 Locust, Room 506, Kansas City, Missouri 64106, or delivered in duplicate to the Regional Counsel at the above address. Comments must be marked: Docket No. CE196. 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:** Wes Ryan, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE–111, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: 816–329–4127, fax: 816–329–4090.

**SUPPLEMENTARY INFORMATION:** The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these

procedures would significantly delay issuance of the design approval 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.

#### Comments Invited

Interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or special condition 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 special conditions 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. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket No. CE196.” The postcard will be date stamped and returned to the commenter.

#### Background

On December 9, 2002, CenTex Aerospace applied for a Supplemental Type Certificate to modify the Raytheon/Beech Model 58. The modified Model 58 Baron will be powered by two reciprocating engines equipped with electronic engine control systems with full authority capability in place of the hydromechanical control systems.

#### Type Certification Basis

Under the provisions of 14 CFR part 21, § 21.17, CenTex Aerospace must show that the modified Model 58 Baron meets the applicable provisions of the original certification basis of the Model 58, as listed on Type Certificate No. 3A16 issued June 18, 1957; exemptions, if any; and the special conditions adopted by this rulemaking action. The model 58 was originally certified under CAR 3, as amended to May 15, 1956, and Paragraphs 23.1385(c), 23.1387(a) and 23.1387(e) of FAR Part 23 as amended by Amendment 23–12. Noise

certification under FAR Part 36, Amendment 36-10 for Model 58 S/N TH-1090 and after with applicable equivalent safety findings: CAR 3.387 for Model 58 and 58A (all serials). For Models 58 and 58A, S/N TH-1 through TH-1471, TH-1476, TH-1487, TH-1489, TH-1498 equipped per Beech Kit Dwg. 58-5012 or Models 58 and 58A, TH-1472 through TH-1475, TH-1477 through TH-1486, TH-1488, TH-1497, TH-1499 and after, equipped per Beech Dwg. 58-000059 or Beech Kit Dwg. 58-5012, compliance with ice protection has been demonstrated with FAR 23.775 of Amendment 23-7; 23.773, 23.929 and 23.1419 of Amendment 23-14; 23.1309 of Amendment 23-17; 23.1325, 23.1327, 23.1351, 23.1357 and 23.1547(e) of Amendment 23-20; 23.1416, 23.1559 and 23.1583(h) of Amendment 23-23 and 25.1323(e) of FAR 25 dated February 1, 1965.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 23) do not contain adequate or appropriate safety standards for the modified Model 58 Baron because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as appropriate, as defined in 11.19, are issued in accordance with § 11.38, and become part of the certification basis for the supplemental 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 supplemental type certificate be amended in the future to include other models that are listed on the same type data sheet and incorporate the same novel or unusual design features, the special conditions would also apply under the provisions of § 21.101(a)(1).

#### Novel or Unusual Design Features

The Raytheon/Beech Model 58 Baron, modified by CenTex, Inc., will incorporate the following novel or unusual design features:

The Raytheon/Beech Model 58 Baron airplane modified by CenTex, Inc., will use an engine that includes an electronic control system with full authority digital engine control (FADEC) capability.

Many advanced electronic systems are prone to either upsets or damage, or both, at energy levels lower than analog systems. The increasing use of high power radio frequency emitters mandates requirements for improved high intensity radiated fields (HIRF) protection for electrical and electronic equipment. Since the electronic engine control system used on the modified

Raytheon/Beech Model 58 Baron will perform critical functions, provisions for protection from the effects of HIRF should be considered and, if necessary, incorporated into the airplane design data. The FAA policy contained in Notice 8110.71, dated April 2, 1998, establishes the HIRF energy levels that airplanes will be exposed to in service. The guidelines set forth in this Notice are the result of an Aircraft Certification Service review of existing policy on HIRF, in light of the ongoing work of the Aviation Rulemaking Advisory Committee (ARAC) Electromagnetic Effects Harmonization Working Group (EEHWG). The EEHWG adopted a set of HIRF environment levels in November 1997 that were agreed upon by the FAA, JAA, and industry participants. As a result, the HIRF environments in this notice reflect the environment levels recommended by this working group. This notice states that a FADEC is an example of a system that should address the HIRF environments.

Even though the control system will be certificated as part of the engine, the installation of an engine with an electronic control system requires evaluation due to the possible effects on or by other airplane systems (*e.g.*, radio interference with other airplane electronic systems, shared engine and airplane power sources). The regulatory requirements in 14 CFR part 23 for evaluating the installation of complex systems, including electronic systems, are contained in § 23.1309. However, when § 23.1309 was developed, the use of electronic control systems for engines was not envisioned; therefore, the § 23.1309 requirements were not applicable to systems certificated as part of the engine (reference § 23.1309(f)(1)). Also, electronic control systems often require inputs from airplane data and power sources and outputs to other airplane systems (*e.g.*, automated cockpit powerplant controls such as mixture setting). Although the parts of the system that are not certificated with the engine could be evaluated using the criteria of § 23.1309, the integral nature of systems such as these makes it unfeasible to evaluate the airplane portion of the system without including the engine portion of the system. However, § 23.1309(f)(1) again prevents complete evaluation of the installed airplane system since evaluation of the engine system's effects is not required.

Therefore, special conditions are proposed for the CenTex modified Raytheon/Beech Model 58 Baron airplane to provide HIRF protection and to evaluate the installation of the electronic engine control system for compliance with the requirements of

§ 23.1309(a) through (e) at Amendment 23-49.

#### Applicability

As discussed above, these special conditions are applicable to Model 58 Barons modified by CenTex, Inc. Should CenTex Aerospace apply at a later date to amend the supplemental type certificate to incorporate the same novel or unusual design features on another model listed on the same type certificate data sheet as the Model 58 Baron, the special conditions would apply to that model under the provisions of § 21.101.

#### Conclusion

This action affects only certain novel or unusual design features on one model, the Model 58 Baron, of airplane. 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.

Under standard practice, the effective date of final special conditions would be 30 days after the date of publication in the **Federal Register**. However the FAA finds that good cause exists to make these special conditions effective upon issuance.

#### List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

#### Citation

■ The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.101; and 14 CFR 11.38 and 11.19.

#### 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 Raytheon/Beech Model 58 Baron airplanes modified by CenTex, Inc.

1. High Intensity Radiated Fields (HIRF) Protection. In showing compliance with 14 CFR part 21 and the airworthiness requirements of 14 CFR part 23, protection against hazards caused by exposure to HIRF fields for the full authority digital engine control system, which performs critical functions, must be considered. To prevent this occurrence, the electronic engine control system must be designed and installed to ensure that the operation and operational capabilities of this critical system are not adversely affected when the airplane is exposed to high energy radio fields.

At this time, the FAA and other airworthiness authorities are unable to

precisely define or control the HIRF energy level to which the airplane will be exposed in service; therefore, the FAA hereby defines two acceptable interim methods for complying with the requirement for protection of systems that perform critical functions.

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the external HIRF threat environment defined in the following table:

Frequency	Field strength (volts per meter)	
	Peake	Avg.
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 root-mean-square (rms) values.

or,

(2) The applicant may demonstrate by a system test and analysis that the electrical and electronic systems that perform critical functions can withstand a minimum threat of 100 volts per meter peak electrical strength, without the benefit of airplane structural shielding, in the frequency range of 10 KHz to 18 GHz. When using this test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation. Data used for engine certification may be used, when appropriate, for airplane certification.

2. Electronic Engine Control System. The installation of the electronic engine control system must comply with the requirements of § 23.1309(a) through (e) at Amendment 23–46. The intent of this requirement is not to re-evaluate the inherent hardware reliability of the control itself, but rather determine the effects, including environmental effects addressed in § 23.1309(e), on the airplane systems and engine control system when installing the control on the airplane. When appropriate, engine certification data may be used when

showing compliance with this requirement.

Issued in Kansas City, Missouri on June 9, 2003.

**James E. Jackson,**

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

[FR Doc. 03–17249 Filed 7–8–03; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. 2003–NM–165–AD; Amendment 39–13225; AD 2003–14–06]**

**RIN 2120–AA64**

**Airworthiness Directives; Boeing Model 737–200, –200C, –300, –400, and –500 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–200, –200C, –300, –400, and –500 series airplanes. This action requires repetitive inspections for cracking of certain lap splices, and corrective action if necessary. This action is necessary to detect and correct fatigue cracks in the lap joints and consequent rapid decompression of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Effective July 14, 2003.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 14, 2003.

Comments for inclusion in the Rules Docket must be received on or before September 8, 2003.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–165–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-iarcomment@faa.gov*. Comments sent via fax or the Internet must contain “Docket No. 2003–NM–165–AD” in the

subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

Duong Tran, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6452; fax (425) 917–6590.

**SUPPLEMENTARY INFORMATION:** The FAA recently received a report of a significant number of cracks along the fuselage skin lap joint on a Boeing Model 737–300 series airplane with 35,710 total flight cycles. During scheduled maintenance, fatigue cracks were found on a lap joint of the skin that extends from aft of the flight deck to the wing front spar just above the passenger windows. Some of the cracks linked up to form a 10-inch crack. The premature cracks were attributed to delaminated skin doublers. Improper processing during phosphoric anodize application of the skin panel is the cause of the delaminated skin doublers. This condition, if not corrected, could result in fatigue cracks in the lap joints and consequent rapid decompression of the airplane.

The improperly processed panels were installed on certain airplanes during manufacturing and were available to the remaining airplanes as spare parts. Therefore, Model 737–200, –200C, –300, –400, and –500 series airplanes may be subject to the identified unsafe condition.

**Related Rulemaking Activity**

We have issued several ADs to require inspections of lap joints; however, those inspections are not required until various times defined in those ADs, which are substantially longer than the compliance time threshold of this AD such that those compliance times do not provide a sufficient level of safety to address the identified unsafe condition.

In addition, on June 26, 2003, we issued a supplemental notice of proposed rulemaking, Rules Docket No. 98–NM–11–AD (68 FR 39485, July 2, 2003). That proposed AD would apply to certain Boeing Model 737 series