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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE199, Special Condition 23–139–SC]

Special Conditions; Garmin International, Inc. EFIS on the Diamond DA–40; Protection of Systems for 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 Garmin International, Inc., 1200 E. 151st St., Olathe, KS 66062, for a Supplemental Type Certificate for the Diamond Aircraft Industries DA–40. This airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel and unusual design features include the installation of an electronic flight instrument system (EFIS) display, Model G–1000, manufactured by Garmin International, Inc. for which the applicable regulations do not contain adequate or appropriate airworthiness 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 the airworthiness standards applicable to these airplanes. **DATES:** The effective date of these special conditions is October 22, 2003. Comments must be received on or before December 8, 2003.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE–7, Attention:

Rules Docket Clerk, Docket No. CE199, Room 506, 901 Locust, Kansas City, Missouri 64106. All comments must be marked: Docket No. CE199. 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, Aerospace Engineer, Standards Office (ACE–110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4127.

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 approval design 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 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 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. CE199." The postcard will be date stamped and returned to the commenter.

Background

On March 6, 2003, Garmin International, Inc., 1200 E. 151st St., Olathe, KS 66062, made an application to the FAA for a new Supplemental Type Certificate for the Diamond Aircraft Industries DA–40 airplane. The DA–40 is currently approved under TC No. A47CE. The proposed modification incorporates a novel or unusual design feature, such as digital avionics consisting of an EFIS that is vulnerable to HIRF external to the airplane.

Type Certification Basis

Under the provisions of 14 CFR part 21, § 21.101, Garmin International, Inc. must show that the Diamond DA–40 aircraft meets the following original certification basis provisions or the applicable regulations in effect on the date of application for the change to the DA–40: Type Certification under 14 CFR part 21, § 21.29, including the following requirements: Joint Aviation Requirements (JAR) 23, Initial Issue, dated March 11, 1994. The DA–40 was certificated using the FAA/JAA validation certification procedures and significant regulatory differences were addressed. Therefore, the certification basis is equivalent to 14 CFR part 23, effective February 1, 1965, including Amendments 23–1 through Amendment 23–51. 14 CFR part 36, effective December 1, 1969, including Amendments 36–1 through Amendment 36–21. Special Condition 23–107–SC, applicable to the Model DA–40 for protection of systems for High Intensity Radiated Fields, published on June 7, 2001. Exemptions, if any; and the special conditions adopted by this rulemaking action.

Discussion

If the Administrator finds that the applicable airworthiness standards do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane, 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 after public notice 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 the applicant apply