

which it, together with its affiliates, is engaged, or if it meets the size standard set forth in paragraph (d)(1), whichever is higher.

\* \* \* \* \*

Dated: November 8, 2005.

**Hector V. Barreto,**  
Administrator.

[FR Doc. 05-22570 Filed 11-10-05; 8:45 am]

BILLING CODE 8025-01-P

## DEPARTMENT OF COMMERCE

### Economic Development Administration

#### 13 CFR Parts 301 and 304

[Docket No.: 0507-29210-5294-03]

RIN 0610-AA63

#### Economic Development Administration Reauthorization Act of 2004 Implementation; Regulatory Revision

**AGENCY:** Economic Development Administration, Department of Commerce.

**ACTION:** Final rule; delay of effective date of certain provisions.

**SUMMARY:** On August 11, 2005, the Economic Development Administration (“EDA”) published an interim final rule in the **Federal Register**. On September 30, 2005, EDA published a final rule in the **Federal Register** delaying the effective date of certain provisions of the interim final rule from October 1, 2005 until November 14, 2005. The September 30, 2005 final rule also extended the deadline for submitting public comments on the interim final rule from October 11, 2005 until November 14, 2005. This final rule further delays the effective date of certain provisions of the interim final rule from November 14, 2005 until January 31, 2006. This delay in effective date is necessary to provide additional time for EDA to consider comments received concerning certain provisions of the interim final rule, as well for EDA to address matters pertaining to the effective implementation of the interim final rule. Capitalized terms used but not otherwise defined in this final rule have the meanings ascribed to them in the interim final rule.

**DATES:** The effective date of the following provisions of the interim final rule is delayed from November 14, 2005 until January 31, 2006: (i) Section 304.2(c)(2), pertaining to membership of a District Organization’s governing body; and (ii) Section 301.4, as the provisions of this section relate to

Investment Rates for EDA Planning Investments.

#### FOR FURTHER INFORMATION CONTACT:

Hina Shaikh, Attorney Advisor, Office of Chief Counsel, Economic Development Administration, Department of Commerce, Room 7005, 1401 Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482-4687.

**SUPPLEMENTARY INFORMATION:** EDA published an interim final rule in the **Federal Register** (70 FR 47002) on August 11, 2005. The interim final rule reflects the amendments made to EDA’s authorizing statute, the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 *et seq.*) (“PWEDA”), by the Economic Development Reauthorization Act of 2004 (Pub. L. 108-373). In addition to tracking the statutory amendments to PWEDA, the interim final rule reflects EDA’s current practices and policies in administering its economic development programs that have evolved since the promulgation of EDA’s former regulations. The interim final rule also provides for a public comment period.

On September 30, 2005, EDA published a final rule in the **Federal Register** (70 FR 57124) delaying the effective date of certain provisions in the interim final rule from October 1, 2005 until November 14, 2005. The September 30, 2005 final rule also extended the deadline for submitting public comments on the interim final rule from October 11, 2005 until November 14, 2005. All other provisions of the interim final rule became effective on October 1, 2005.

This final rule delays the effective date of the provisions specified in the **DATES** section pertaining to EDA’s Planning Investment Rates and District Organizations from November 14, 2005 until January 31, 2006. This delay in effective date is necessary to provide additional time for EDA to consider comments received concerning certain provisions of the interim final rule, as well for EDA to address matters pertaining to the effective implementation of the interim final rule.

#### Classification

Prior notice and opportunity for public comment are not required for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore,

a regulatory flexibility analysis has not been prepared.

#### Executive Order No. 12866

It has been determined that this final rule is not significant for purposes of Executive Order 12866.

#### Congressional Review Act

This final rule is not “major” under the Congressional Review Act (5 U.S.C. 801 *et seq.*).

#### Executive Order No. 13132

Executive Order 13132 requires agencies to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in Executive Order 13132 to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” It has been determined that this final rule does not contain policies that have federalism implications.

Dated: November 7, 2005.

**Benjamin Erulkar,**

Chief Counsel, Economic Development Administration.

[FR Doc. 05-22546 Filed 11-10-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM335; Special Conditions No. 25-307-SC]

#### Special Conditions: Cessna Model 650 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 Cessna Model 650 airplanes modified by Elliott Aviation Technical Product Development, Inc. These modified airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The modification incorporates the installation of electronic flight display systems manufactured by Universal

Avionics Systems Corporation. The electronic flight display systems perform critical functions. 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 November 3, 2005. We must receive your comments by December 14, 2005.

**ADDRESSES:** You must mail two copies of your comments to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM-113), Docket No. NM335, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. You may deliver two copies to the Transport Airplane Directorate at the above address. You must mark your comments: Docket No. NM335. You can inspect comments in the Rules Docket weekdays, except Federal Holidays, between 7:30 a.m. and 4 p.m.

**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, we invite interested people to take part in this rulemaking by sending 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. You may inspect the docket 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 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 August 18, 2005, Elliott Aviation Technical Product Development, Inc., Quad City Airport, PO Box 100, Moline, Illinois 61266, applied for a Supplemental Type Certificate (STC) to modify Cessna Model 650 airplanes. These models are currently approved under Type Certificate No. A9NM. The Cessna Model 650 is a small transport category airplane. The Cessna Model 650 airplanes are powered by two turbine engines, with maximum takeoff weights of up to 23,000 pounds. These airplanes operate with a 2-person crew and can seat up to 13 passengers. The modification incorporates the installation of electronic flight display systems manufactured by Universal Avionics Systems Corporation. The avionics/electronics and electrical systems installed in this airplane 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, Elliott Aviation Technical Product Development, Inc. must show that the Cessna Model 650, as changed, continues to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A9NM, 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 Cessna Model 650 airplanes includes part 25 of 14 CFR effective February 1, 1965, as amended by

Amendment 25-1 through Amendment 25-39; §§ 25.901(c) and 25.1199 as amended by Amendment 25-1 through Amendment 25-40; §§ 25.1309 and 25.1351(d) as amended by Amendment 25-1 through Amendment 25-41; §§ 25.177, 25.255, and 25.703 as amended by Amendment 25-1 through Amendment 25-42; § 25.1326 as amended by Amendment 25-1 through Amendment 25-43; § 25.1413 as amended by Amendment 25-1 through Amendment 25-44; §§ 25.1305 and 25.1529 as amended by Amendment 25-1 through Amendment 25-54. In addition, the certification basis includes certain special conditions, exemptions, equivalent levels of safety, or later amended sections of the applicable part 25 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 the Cessna Model 650 airplanes because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Cessna Model 650 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 under § 11.38 and become part of the type certification basis under § 21.101.

Special conditions are initially applicable to the model for which they are issued. Should Elliott Aviation Technical Product Development, Inc. apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A9NM to incorporate the same or similar novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

**Novel or Unusual Design Features**

As noted earlier, the Cessna Model 650 airplanes modified by Elliott Aviation Technical Product Development, Inc. will incorporate electronic flight display systems. 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, these systems are 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 Cessna Model 650 airplanes modified by Elliott Aviation Technical Product Development, Inc. 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 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 Cessna Model 650 airplanes modified by Elliott Aviation Technical Product Development, Inc. Should Elliott Aviation Technical Product Development, Inc. apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A9NM to incorporate the same or similar novel or unusual design feature, these special conditions would apply to that model as well under provisions of § 21.101.

### Conclusion

This action affects only certain novel or unusual design features on Cessna Model 650 airplanes modified by Elliott Aviation Technical Product Development, Inc. 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 these special conditions 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 Cessna Model 650 airplanes modified by Elliott Aviation Technical Product Development, Inc.

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 November 3, 2005.

**Ali Bahrami,**

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

[FR Doc. 05–22521 Filed 11–10–05; 8:45 am]

**BILLING CODE 4910–13–P**