

(5) Receive such other equitable relief as determined to be appropriate.

(b) As a condition of receiving relief under this part, the participant may be required to remedy their failure to meet the program requirement or mitigate its affects.

§ 635.6 Equitable relief by State Conservationists.

(a) General nature of the authority. Notwithstanding provisions in this part providing supervision and relief authority to other officials, the State Conservationist, without further review by other officials (other than the Secretary), may grant relief as set forth in § 635.5 to a participant under the provisions of § 635.3 and § 635.4 so long as:

(1) The program matter with respect to which the relief is sought is a program matter in a covered program which is operated within the State under the control of the State Conservationist;

(2) The total amount of relief which will be provided to the participant (that is, to the individual or entity that applies for the relief) under this authority for errors during the fiscal year is less than \$20,000 (included in that calculation, any loan amount or other benefit of any kind payable for the fiscal year);

(3) The total amount of such relief which has been previously provided to the participant using this authority for errors in a fiscal year, as calculated in paragraph (a)(2) of this section, is not more than \$5,000;

(4) The total amount of loans, payments, and benefits of any kind for which relief is provided to similarly situated participants by a State Conservationist for errors for a fiscal year under the authority provided in this section, as calculated in paragraph (a)(2), is not more than \$1,000,000.

(b) Additional limits on the authority. The authority provided under this section does not extend to the administration of:

(1) Payment limitations under 7 CFR part 1400;

(2) Payment limitations under a conservation program administered by the Secretary; or

(3) The highly erodible land and wetland conservation requirements under subtitles B or C of Title XII of the Food Security Act of 1985 (16 U.S.C. 3811 *et seq.*).

(c) Relief shall only be made under this part after consultation with, and the approval of, the Office of the General Counsel.

(d) Secretary's reversal authority. A decision made under this part by the

State Conservationist may be reversed only by the Secretary, who may not delegate that authority.

(e) Relation to other authorities. The authority provided under this section is in addition to any other applicable authority that may allow relief.

§ 635.7 Procedures for granting equitable relief.

(a) Application for equitable relief by covered program participants. For the purposes of this part, the following conservation programs administered by NRCS are identified as "covered programs":

- (1) Agricultural Management Assistance (AMA);
- (2) Conservation Security Program (CSP);
- (3) Emergency Watershed Protection, Floodplain Easement Component (EWP-FPE);
- (4) Environmental Quality Incentives Program (EQIP);
- (5) Farm and Ranch Lands Protection Program (FRPP);
- (6) Grassland Reserve Program (GRP);
- (7) Resource Conservation and Development Program (RC&D);
- (8) Water Bank Program (WBP);
- (9) Watershed Protection and Flood Prevention Program, (WPFPP) (long-term contracts only);
- (10) Wetlands Reserve Program (WRP);
- (11) Wildlife Habitat Incentives Program (WHIP);
- (12) Any other conservation program administered by NRCS which subsequently incorporates these procedures within the program regulations or policies.

(b) Participants may request equitable relief from the Chief or the State Conservationist with respect to:

(1) Reliance on the actions or advice of an authorized NRCS representative; or

(2) Failure to fully comply with the program requirements but made a good faith effort to comply.

(c) Only a participant directly affected by the non-compliance with the covered program requirements may seek equitable relief under § 635.6.

(d) Requests for equitable relief must be made in writing, no later than 30 calendar days from the date of receipt of the notification of non-compliance with the requirements of the covered conservation program.

(e) Requests for equitable relief shall include the following information:

(1) The reason why the participant was unable to comply with the requirements of the conservation program;

(2) Details regarding how much of the required action had been completed;

(3) Why the participant did not have sufficient reason to know that the action or information relied upon was improper or erroneous;

(4) Whether the participant did not act in reliance on their own misunderstanding or misinterpretation of the conservation program provisions, notices, or information; and

(5) Any other pertinent facts or supporting documentation.

Signed in Washington, DC, on August 31, 2004.

Bruce I. Knight,

Chief, Natural Resources Conservation Service, Vice President, Commodity Credit Corporation.

[FR Doc. 04-20783 Filed 9-20-04; 8:45 am]

BILLING CODE 3410-16-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE211, Special Condition 23-150-SC]

Special Conditions; Cessna Aircraft Company; EFIS on the Cessna 206H and T206H; 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 for the Cessna Aircraft Company, Model 206H/T206H airplanes. These airplanes, as modified by Cessna Aircraft Company, will have a novel or unusual design feature(s) associated with the installation of a Garmin G1000 electronic flight instrument system (EFIS) and the protection of this system from the effects of high intensity radiated field (HIRF) environments. 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 September 3, 2004. Comments must be received on or before October 21, 2004.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. CE211, Room 506, 901

Locust, Kansas City, Missouri 64106. All comments must be marked: Docket No. CE211. 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 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 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. CE211." The postcard will be date stamped and returned to the commenter.

Background

On January 28, 2004, Cessna Aircraft Company; One Cessna Boulevard; Post Office Box 7704; Wichita, KS 67277, made an application to the FAA for an amended type certificate for the Cessna 206H/T206H. The 206H and T206H are currently approved under TC No. A4CE.

The proposed modification incorporates a novel or unusual design feature, such as digital avionics consisting of an EFIS that may be vulnerable to HIRF external to the airplane.

Type Certification Basis

Under the provisions of 14 CFR part 21, § 21.101, Cessna Aircraft Company must show that the Cessna Model 206H and T206H meet the following provisions or the applicable provisions in effect on the date of application for type certification of the Cessna 206H and T206H.

For the 206H Series:

14 CFR part 23 effective February 1, 1965, as amended by 23-1 through 23-6, except as follows: § 23.423; 23.611; 23.619; 23.623; 23.689; 23.775; 23.871; 23.1323; and 23.1563 as amended by Amendment 23-7. Sections 23.807 and 23.1524 as amended by Amendment 23-10. Sections 23.507; 23.771; 23.853(a), (b) and (c); and 23.1365 as amended by Amendment 23-14. Section 23.951 as amended by Amendment 23-15. Sections 23.607; 23.675; 23.685; 23.733; 23.787; 23.1309 and 23.1322 as amended by Amendment 23-17. Section 23.1301 as amended by Amendment 23-20. Sections 23.1353; and 23.1559 as amended by Amendment 23-21. Sections 23.603; 23.605; 23.613; 23.1329 and 23.1545 as amended by Amendment 23-23. Section 23.441 and 23.1549 as amended by Amendment 23-28. Section 23.1093 as amended by Amendment 23-29. Sections 23.779 and 23.781 as amended by Amendment 23-33. Sections 23.1; 23.51 and 23.561 as amended by Amendment 23-34. Sections 23.301; 23.331; 23.351; 23.427; 23.677; 23.701; 23.735; and 23.831 as amended by Amendment 23-42. Sections 23.961; 23.1107(b); 23.1143(g); 23.1147(b); 23.1303; 23.1357; 23.1361 and 23.1385 as amended by Amendment 23-43. Sections 23.562(a), 23.562(b)2, 23.562(c)1, 23.562(c)2, 23.562(c)3, and 23.562(c)4 as amended by Amendment 23-44. Sections 23.33; 23.53; 23.305; 23.321; 23.485; 23.621; 23.655 and 23.731 as amended by Amendment 23-45. 14 CFR part 36 dated December 1, 1969, as amended by Amendments 36-1 through 36-21, additional certification requirements applied to the G1000 system itself, exemptions, if any; and the special conditions adopted by this rulemaking action.

For the T206H series:

14 CFR part 23 effective February 1, 1965, as amended by 23-1 through 23-6, except as follows: Sections 23.423; 23.611; 23.619; 23.623; 23.689; 23.775; 23.871; 23.1323; and 23.1563 as amended by Amendment 23-7. Sections

23.807 and 23.1524 as amended by Amendment 23-10. Sections 23.507; 23.771; 23.853(a),(b) and (c); and 23.1365 as amended by Amendment 23-14. Section 23.951 as amended by Amendment 23-15. Sections 23.607; 23.675; 23.685; 23.733; 23.787; 23.1309 and 23.1322 as amended by Amendment 23-17. Section 23.1301 as amended by Amendment 23-20. Sections 23.1353; and 23.1559 as amended by Amendment 23-21. Sections 23.603; 23.605; 23.613; 23.1329 and 23.1545 as amended by Amendment 23-23. Sections 23.441 and 23.1549 as amended by Amendment 23-28. Sections 23.779 and 23.781 as amended by Amendment 23-33. Sections 23.1; 23.51 and 23.561 as amended by Amendment 23-34. Sections 23.301; 23.331; 23.351; 23.427; 23.677; 23.701; 23.735; and 23.831 as amended by Amendment 23-42. Sections 23.961; 23.1093; 23.1107(b); 23.1143(g); 23.1147(b); 23.1303; 23.1357; 23.1361 and 23.1385 as amended by Amendment 23-43. Sections 23.562(a), 23.562(b)2, 23.562(c)1, 23.562(c)2, 23.562(c)3, and 23.562(c)4 as amended by Amendment 23-44. Sections 23.33; 23.53; 23.305; 23.321; 23.485; 23.621; 23.655 and 23.731 as amended by Amendment 23-45. 14 CFR part 36 dated December 1, 1969, as amended by Amendments 36-1 through 36-21, additional certification requirements applied to the G1000 system itself, 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 type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of Section 21.101.

Novel or Unusual Design Features

The Cessna Model 206H and Model T206H will incorporate the following novel or unusual design features: A

Garmin G1000 electronic flight instrument system (EFIS) including a primary flight display on the pilot side as well as a multifunction display in the center of the instrument panel.

Protection of Systems From High Intensity Radiated Fields (HIRF): Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid-state advanced components in analog and digital electronics circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the HIRF. The HIRF can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the HIRF environment has undergone a transformation that was not foreseen when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the number of transmitters has increased significantly. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling to cockpit-installed equipment through the cockpit window apertures is undefined.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the airplane. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels, which are lower than previous required values, are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in aircraft, to the defined HIRF environment in paragraph 1 or, as an option to a fixed value using laboratory tests, in paragraph 2, as follows:

(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 HIRF environment defined below:

| Frequency | Field strength (volts per meter) | |
|-----------------------|----------------------------------|---------|
| | Peak | Average |
| 10 kHz–100kHz | 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, electrical field strength, from 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.

A preliminary hazard analysis must be performed by the applicant for approval by the FAA to identify either electrical or electronic systems that perform critical functions. The term “critical” means those functions, whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or any combination of these. Service experience alone is not acceptable since normal flight operations may not include an exposure to the HIRF environment. Reliance on a

system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Applicability

As discussed above, these special conditions are applicable to the Cessna 206H and T206H airplanes. Should the Cessna Aircraft Company apply at a later date to modify any other model on the same type certificate to incorporate the same novel or unusual design feature, the 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 one model of airplane. 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 period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and 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 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 21.17; 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 type certification basis for Cessna 206H and T206H airplanes modified by the Cessna

Aircraft Company to add the Garmin G1000 EFIS system.

1. *Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF)*. Each system that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions, are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

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 Kansas City, Missouri on September 3, 2004.

Dorenda D. Baker,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04-21138 Filed 9-20-04; 8:45 am]

BILLING CODE 4910-13-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NV-043-080; FRL-7801-8]

Approval and Promulgation of Implementation Plans; State of Nevada; Las Vegas Valley Carbon Monoxide Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action under the Clean Air Act to approve State implementation plan revisions submitted by the State of Nevada to provide for attainment of the carbon monoxide national ambient air quality standards in Las Vegas Valley, including an alternate low enhanced vehicle inspection and maintenance program, State and local wintertime gasoline rules, and motor vehicle emissions budgets for transportation conformity.

DATES: This rule is effective on October 21, 2004.

ADDRESSES: You can inspect copies of the docket for this action during normal business hours at EPA's Region IX office. You can inspect copies of the submitted SIP materials at the following locations:

U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Nevada Dept. of Conservation and Natural Resources, Division of Environmental Protection, 333 West Nye Lane, Room 138, Carson City, NV 89706.

Clark County Department of Air Quality Management, 500 S. Grand Central Parkway, Las Vegas, NV 89155.

Electronic Availability

This document and the Response to Comments Document for this action are also available as electronic files on EPA's Region IX Web Page at <http://www.epa.gov/region09/air>.

FOR FURTHER INFORMATION CONTACT:

Karina O'Connor, Air Planning Office (AIR-2), Air Division, U.S. EPA, Region IX, (775) 833-1276, or occonnor.karina@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, "we," "us," and "our" refer to EPA.

I. Proposed Action

On January 28, 2003 (68 FR 4141), with the exception of two individual contingency measures that we proposed to disapprove, we proposed to approve the following state implementation plan (SIP) revisions submitted by the State of Nevada to provide for attainment of the carbon monoxide (CO) national ambient air quality standards (NAAQS) under the Clean Air Act, as amended in 1990 (CAA or "Act"), in the "serious" Clark County CO nonattainment area, which is defined as State hydrographic area #212 and referred to as the "Las Vegas Valley":

(1) State of Nevada State Implementation Plan for an Enhanced Program for the Inspection and Maintenance of Motor Vehicles for Las Vegas Valley and Boulder City (March 1996) submitted by the Nevada Division of Environmental Protection (NDEP) on March 20, 1996;

(2) Carbon Monoxide State Implementation Plan, Las Vegas Valley Nonattainment Area, Clark County, Nevada (August 2000) ("2000 CO plan") adopted by the Clark County Board of Commissioners on August 1, 2000, and submitted by NDEP on August 9, 2000, which addresses requirements under the Act for notice and adoption, baseline and projected emissions inventories, the reasonable further progress (RFP) demonstration, the attainment demonstration, vehicle miles traveled (VMT) forecasts, and which also includes updated vehicle inspection and maintenance (I/M) program materials, Clark County's Cleaner Burning Gasoline (CBG) program, an alternative fuel program for government vehicles, voluntary transportation

control measures (TCMs), a determination that stationary sources do not contribute significantly to CO levels, contingency measures¹, commitments for further submittals and control measures, as needed, and CO emissions budgets for transportation conformity purposes;

(3) Supplemental CO SIP materials submitted by NDEP on January 30, 2002, including updated State regulations implementing the vehicle I/M program, other updated I/M program materials, and a draft regulation establishing procedures for on-board diagnostics systems testing of newer vehicles; and

(4) Supplemental CO SIP materials submitted by NDEP on June 4, 2002, including updated State statutes governing the I/M program, other updated vehicle I/M program materials, and the State regulation implementing the Reid Vapor Pressure (RVP) specification for wintertime gasoline sold in Clark County.

The proposal contains detailed information on the four SIP submittals listed above and our evaluation of the submittals against applicable CAA provisions and EPA regulations and policies relating to serious area CO SIPs.

In the proposed rule, we indicated that we were proposing approval of certain portions of the SIP submittals based on draft rules and that our final approval would not occur until we had received final adopted rules from the State. As discussed in the following paragraphs, the State has submitted the final adopted rules called for in the proposed rule, and in this action, we are

¹ In this notice, we are not taking final action on the contingency provisions (*i.e.*, contingency measures and related commitments in the 2000 CO plan) in part because we have not yet received the quantitative analysis (using MOBILE6) of CO emissions reductions associated with implementation of standardized On-Board Diagnostics systems (OBD II) testing, which was the one contingency measure that we had proposed to approve. We had anticipated submittal of this information by early 2003. See the related discussion in our proposed rule at 68 FR 4155, column 2. Our decision not to proceed with final action on the contingency provisions in this notice has no immediate practical effect because we are taking final action herein to approve OBD II testing into the SIP, not as a contingency measure, but rather as a part of the vehicle I/M program. In other words, we are finalizing our approval of the vehicle I/M program, which includes OBD II testing, but are not finalizing our determination from the proposal that OBD II testing, while serving as a required element of the vehicle I/M program, also provides for compliance with the contingency provision requirements under section 187(a)(3) of the Act. We will be addressing the contingency provision requirements for Las Vegas Valley under section 187(a)(3) in a separate rulemaking. Please see our response to NEC comment #37 in our Response to Comments document for our rationale and authority for taking final action on the RFP and attainment demonstrations in the 2000 CO plan while deferring action on the contingency measures.