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

installing a certain software version of the PRIMUS EPIC system, after which the AFM revision must be removed from the AFM. This AD is prompted by reports of temporary loss of all cockpit display units (DU). We are issuing this AD to prevent temporary or possible sustained loss of all modular avionics units (MAU), which triggers a cascade of failures in systems dependent on MAUs functionalities. Such failures could reduce the flightcrew's situational awareness and increase workload and consequently reduce the ability of the flightcrew to maintain the safe flight and landing of the airplane.

DATES: Effective December 30, 2004.

The incorporation by reference of certain publications listed in the AD is approved by the Director of the Federal Register as of December 30, 2004.

We must receive comments on this AD by February 28, 2005.

ADDRESSES: Use one of the following addresses to submit comments on this AD.

- DOT Docket Web site: Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- Government-wide rulemaking Web site: Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, room PL–401, Washington, DC 20590.
- Fax: (202) 493–2251.
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343–CEP 12.225, Sao Jose dos Campos—SP, Brazil. You can examine this information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

You can examine the contents of this AD docket on the Internet at *http://dms.dot.gov,* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., room PL–401, on the plaza level of the Nassif Building, Washington, DC. This docket number is FAA–2004–19972; the directorate identifier for this docket is 2004–NM–273–AD.

Examining the Docket

You can examine the AD docket on the Internet at *http://dms.dot.gov,* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

FOR FURTHER INFORMATION CONTACT: Tom Groves, Aerospace Engineer, International Branch, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1503; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The Departmento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, notified the FAA that an unsafe condition may exist on all Empresa Brasileira de Aeronautica S.A. (EMBRAER) ERJ 170 series airplanes. The DAC advises that, during some flight tests performed by the manufacturer on Model ERJ 170 prototype airplanes, a temporary loss of all display units (DU) occurred. Post-incident investigation showed that this failure could be traced to a failure on the master timer network interface card (NIC)/network interface integrated module (NIM) synchronizer, which provides timing signals for the avionics standard communication bus (ASCB). In that scenario, for approximately 4 seconds, the pilots were left with only the integrated electronic standby system (IESS) for basic flying, with only a very high frequency (VHF) radio for voice communication. In all reported cases, the system recovered without any specific pilot action. However, further investigation showed the theoretical possibility of a sustained loss of all modular avionics units (MAU), which triggers a cascade of failures in systems dependent on MAU functionalities. These functionalities include DUs, flight control system normal mode, autopilot, and autothrottle.

Temporary or possible sustained loss of all MAUs, if not corrected, could trigger a cascade of failures in systems dependent on MAU functionalities. Such failures could reduce the flightcrew's situational awareness and increase workload and consequently reduce the ability of the flightcrew to maintain the safe flight and landing of the airplane.

Other Relevant Rulemaking

We have determined that Gulfstream Model GV–SP series airplanes may be subject to an unsafe condition similar to that addressed in this AD. Therefore, we are considering additional rulemaking to address that unsafe condition on that airplane model.

Relevant Service Information

EMBRAER has issued Operational Bulletin 170–011/04, Revision 1, dated December 23, 2004. The operational bulletin informs operators of the possibility of loss of all MAUs, and provides procedures for operation in the event that this type of failure occurs. The operational bulletin also prohibits operators from dispatch with the IESS inoperative, even though it is allowed by the current version of the Master Minimum Equipment List.

EMBRAER has issued Service Bulletin 170–31–0003, dated December 23, 2004. This service bulletin describes procedures for performing a test to assess the general conditions of the NIC communications, and making repairs if necessary.

EMBRAER has issued Service Bulletin 170–31–0002, dated December 23, 2004. This service bulletin describes procedures for installing the software version of the PRIMUS EPIC system identified as ''load 15.3'' or higher, after which the AFM revision described previously may be removed.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The DAC mandated the service information and issued Brazilian emergency airworthiness directive 2004–12–04, effective December 27, 2004, to ensure the continued airworthiness of these airplanes in Brazil.

FAA's Determination and Requirements of This AD

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. We have examined the DAC's findings, evaluated all pertinent information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

Therefore, we are issuing this AD to prevent temporary or possible sustained

loss of all MAUs, which triggers a cascade of failures in systems dependent on MAUs functionalities. Such failures could reduce the flightcrew's situational awareness and increase workload and consequently reduce the ability of the flightcrew to maintain the safe flight and landing of the airplane. This AD requires accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between This AD and the Service Information.''

Differences Between This AD and the Service Information

EMBRAER Service Bulletin 170–31–0003 specifies that you may contact the manufacturer for instructions on how to repair certain conditions, but this AD requires you to repair those conditions using a method that we or the DAC (or its delegated agent) approve. In light of the type of repair that is required to address the unsafe condition, and consistent with existing bilateral airworthiness agreements, we have determined that, for this AD, a repair we or the DAC approve is acceptable for compliance with this AD.

Although the Accomplishment Instructions of EMBRAER Service Bulletin 170–31–0003 specify submitting test results to the airplane manufacturer, this AD does not require that action.

Differences Between This AD and the Brazilian AD

Although the Brazilian AD requires operators to revise the Emergency and Abnormal Procedures Sections of the AFM, this AD requires that the Limitations Section of the AFM be revised. The Limitations Section of the AFM is the only mandatory AFM section.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD; therefore, providing notice and opportunity for public comment before the AD is issued is impracticable, and good cause exists to make this AD effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any relevant written data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES.** Include ''Docket No. FAA–2004–19972; Directorate Identifier 2004–NM–273–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD. We will consider all comments received by the closing date and may amend the AD in light of those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of our docket web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You can review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you can visit *http://dms.dot.gov*.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect 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.

For the reasons discussed above, I certify that the regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2004–26–12 Empresa Brasileira de Aeronautica S.A. (EMBRAER): Amendment 39–13924. Docket No. FAA–2004–19972; Directorate Identifier 2004–NM–273–AD.

Effective Date

(a) This AD becomes effective December 30, 2004.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all EMBRAER Model ERJ 170 series airplanes, certificated in any category.

Unsafe Condition

(d) This AD was prompted by reports of temporary loss of all cockpit display units (DU). The Federal Aviation Administration is issuing this AD to prevent temporary or possible sustained loss of all MAUs, which triggers a cascade of failures in systems dependent on MAUs functionalities. Such failures could reduce the flightcrew's situational awareness and increase workload and consequently reduce the ability of the flightcrew to maintain the safe flight and landing of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Airplane Flight Manual (AFM) Revision

(f) Within 72 hours after the effective date of the AD: Revise the Limitations Section of the EMBRAER ERJ 170 AFM by inserting a copy of EMBRAER Operational Bulletin 170–011/04, Revision 1, dated December 23, 2004, into the AFM.

Network Interface Card (NIC) Test

(g) Within 30 days after the effective date of this AD, or before or concurrently with doing the software installation required by paragraph (h) of this AD, whichever occurs first: Do a test to determine proper operation of the NIC communications in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 170–31–0003, dated December 23, 2004. If any failure is detected, before further flight, repair the airplane in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Departmento de Aviacao Civil (DAC) (or its delegated agent).

Software Installation

(h) Within 40 days or 300 flight hours after the effective date of this AD, whichever occurs first: Install the software version of the PRIMUS EPIC system identified as ''load 15.3'' or higher, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 170–31–0002, dated December 23, 2004. After installation of this software, remove the AFM revision required by paragraph (f) of this AD.

Submission of Test Results Not Required

(i) Although EMBRAER Service Bulletin 170–31–0003 specifies to submit certain information to the airplane manufacturer, this AD does not include that requirement.

Alternative Methods of Compliance (AMOCs)

(j) The Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Related Information

(k) Brazilian emergency airworthiness directive 2004–12–04, effective December 27, 2004, also addresses the subject of this AD.

Material Incorporated by Reference

(l) You must use the service information that is specified in Table 1 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise. (Only the first pages of EMBRAER Service Bulletins 170–31–0002 and Service Bulletin 170–31–0003 contain the issue date of those documents; no other page of those documents is dated.) The Director of the Federal Register approves the incorporation by reference of those documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. You can review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW, room PL–401, Nassif Building, Washington, DC; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

TABLE 1.—MATERIAL INCORPORATED BY REFERENCE

EMBRAER Service Document	Revision level	Date
Operational Bulletin 170–011/04	1	December 23, 2004.
Service Bulletin 170–31–0002	Original	December 23, 2004.
Service Bulletin 170–31–0003	Original	December 23, 2004.

Issued in Renton, Washington, on December 23, 2004.

Kevin M. Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–28707 Filed 12–29–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 2003F–0128]

Secondary Direct Food Additives Permitted in Food for Human Consumption

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of acidified sodium chlorite solutions as an antimicrobial agent on finfish and crustaceans. This action is in response to a petition filed by Alcide Corp.

DATES: The regulation is effective December 30, 2004. Submit written or electronic objections and requests for a hearing by January 31, 2005. See section VI of this document for information on the filing of objections.

ADDRESSES: You may submit written objections and requests for a hearing identified by Docket No. 2003F–0128, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Agency Web site: *http://www.fda.gov/dockets/ecomments*. Follow the instructions for submitting comments on the agency Web site.
- E-mail: *fdadockets@oc.fda.gov*. Include Docket No. 2003F–0128 in the subject line of your e-mail message.
- FAX: 301–827–6870.
- Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions]: Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All objections received will be posted without change to *http://www.fda.gov/ohrms/dockets/default.htm*, including any personal information provided. For detailed instructions on submitting objections, see the ''Objections'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.fda.gov/ohrms/dockets/default.htm* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Mical E. Honigfort, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–1278.

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the **Federal Register** of April 10, 2003 (68 FR 17656), FDA announced that a food additive petition (FAP 3A4743) had been filed by Alcide Corp., 8561 154th Ave. NE., Redmond, WA 98052–3557. The petition proposed to amend the food additive regulations in § 173.325