

that chitosan could be used as an adjuvant and that adjuvants are considered inert ingredients under the EPA. However, in cases where chitosan would be combined with a fungicide, chitosan could not be considered an inert ingredient or adjuvant, because chitosan has active fungicidal properties and is labeled for use against fungal diseases such as blight. The EPA also commented that for chitosan to be considered an inert or adjuvant in a formulation, it could not exhibit pesticidal activity. In that regard, the EPA determined that it could not verify that chitosan does not have any fungicidal activity for the intended use and at the proposed levels mentioned in the petition; data does not support its non-fungicidal activity in such a use.

In addition to the concerns raised about chitosan's use as an adjuvant in combination with another fungicide, the issue of whether chitosan should be considered an insecticide (as recommended by the NOSB) or a plant disease control was mentioned. The EPA informed the NOP that data does not reveal chitosan having insecticidal properties. Instead, chitosan is considered more of a systemic acquired response inducer and demonstrates fungicidal activity. As a result, for the purpose of the NOP regulations, chitosan would be better characterized as a plant disease control.

Based on the information submitted through public comment and gathered in further consultation with the EPA, we have determined that chitosan, when used in combination with another fungicide, cannot be considered an inert or adjuvant. It is considered an active ingredient in such cases. However, in cases where chitosan is used in combination with an approved active ingredient on the National List and does not demonstrate any pesticidal/fungicidal activity, it could be considered an inert ingredient or adjuvant.

The preceding chitosan discussion is summarized as follows:

Chitosan was petitioned for use in organic crop production as an adhesive "adjuvant" to be used with fungicides approved for use under the NOP regulations. The NOSB recommended adding chitosan to the National List for use in organic crop production as an "insecticide," with the restriction that it only be used as an "adjuvant." The EPA informed the NOP that data does not reveal chitosan having insecticidal properties. Because the NOSB recommended the use of chitosan as an adjuvant, the recommendation restricts the use of the substance to the capacity of an inert ingredient. AMS, in

consultation with EPA, has determined that chitosan, when used as an "adjuvant" (not demonstrating any pesticidal activity), is already allowed under the existing inert ingredient provisions of § 205.601(m) of the NOP regulations. However, chitosan, when used in combination with a fungicide, cannot be considered an inert or adjuvant, because chitosan has fungicidal properties and is considered an active ingredient in such cases. Accordingly, unless specifically added to § 205.601 of the National List as an active ingredient, chitosan cannot be used with a fungicide.

Therefore, AMS has decided to refer the chitosan recommendation back to the NOSB so that it can reconsider the intended use of the substance and its inclusion on the National List (i.e., should it be considered a plant disease control; and should it be included on the National List as an approved active ingredient?). In the meantime, chitosan, under the inert ingredient provisions of § 205.601(m) of the NOP regulations, can be used as an "adjuvant" (not demonstrating any pesticidal activity) in combination with approved active ingredients on the National List, provided the approved active ingredient is not a registered fungicide. Chitosan, when used in combination with a fungicide, is an active ingredient and remains a prohibited substance that shall not be used in organic agriculture. Further, chitosan remains prohibited for use as a plant defense booster, a plant growth enhancer, and as an active ingredient in any other capacity. If readers have questions concerning when a substance qualifies to be an active or inert ingredient, they should contact the EPA for further information and guidance.

**F. Effective Date**

This final rule reflects recommendations submitted to the Secretary by the NOSB. The substance being added to the National List was based on a petition from the industry and evaluated by the NOSB using criteria in the Act and the regulations. Because this substance is crucial to organic crop and livestock production operations, producers should be able to use them in their operations as soon as possible. Accordingly, AMS finds that good cause exists under 5 U.S.C. 553(d)(3) for not postponing the effective date of this rule until 30 days after publication in the **Federal Register**.

**List of Subjects in 7 CFR Part 205**

Administrative practice and procedure, Agriculture, Animals,

Archives and records, Imports, Labeling, Organically produced products, Plants, Reporting and recordkeeping requirements, Seals and insignia, Soil conservation.

■ For the reasons set forth in the preamble, 7 CFR part 205, subpart G is amended as follows:

**PART 205—NATIONAL ORGANIC PROGRAM**

■ 1. The authority citation for 7 CFR part 205 continues to read as follows:

**Authority:** 7 U.S.C. 6501–6522.

■ 2. Section 205.601 is amended by adding new paragraph (e)(9) to read as follows:

**§ 205.601 Synthetic substances allowed for use in organic crop production.**

\* \* \* \* \*

(e) \* \* \*

(9) Sucrose octanoate esters (CAS #s—42922–74–7; 58064–47–4)—in accordance with approved labeling.

\* \* \* \* \*

■ 3. Section 205.603 is amended by adding new paragraph (b)(7) to read as follows:

**§ 205.603 Synthetic substances allowed for use in organic livestock production.**

\* \* \* \* \*

(b) \* \* \*

(7) Sucrose octanoate esters (CAS #s—42922–74–7; 58064–47–4)—in accordance with approved labeling.

\* \* \* \* \*

Dated: December 5, 2007.

**Lloyd C. Day,**  
*Administrator, Agricultural Marketing Service.*

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**BILLING CODE 3410–02–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 23**

[Docket No. CE277, Special Condition 23–217–SC]

**Special Conditions; Honda Aircraft Company Model HA–420 Hondajet; 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 Honda Aircraft Company, for a Type Certificate for the HA–420

Hondajet airplane. 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 electronic flight instrument system (EFIS) displays Model G1000 manufactured by Garmin 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 November 30, 2007. Comments must be received on or before January 9, 2008.

**ADDRESSES:** Comments may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. CE277, Room 506, 901 Locust, Kansas City, Missouri 64106. All comments must be marked: Docket No. CE277. 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:** Jim Brady, Aerospace Engineer, Standards Office (ACE-111), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329-4132.

**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. CE277." The postcard will be date stamped and returned to the commenter.

#### Background

On November 11, 2006, Honda Aircraft Company, made an application to the FAA for a new Type Certificate for the project airplane. The proposed aircraft 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, § 21.17, Honda Aircraft Company must show that the project aircraft meets the following provisions, or the applicable regulations in effect on the date of application for the change to the project: 14 CFR part 23 and FAR part 23, effective February 1, 1965, as amended by Amendments 23-1, dated July 29, 1965, through Amendment 23-55, dated March 1, 2002.

Environmental Standards: FAR part 36, effective March 11, 1994, as amended by Amendment 36-1, dated December 1, 1969 through Amendment 36-27, dated September 6, 2005 FAR part 34, effective September 10, 1990, as amended by Amendment 34-1, dated July 31, 1995 through Amendment 34-3, dated February 3, 1999 as applicable, and § 23.1301 of Amendment 23-20; §§ 23.1309, 23.1311, and 23.1321 of Amendment 23-49; and § 23.1322 of Amendment 23-43; 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 § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model already included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101.

#### Novel or Unusual Design Features

Honda Aircraft Company plans to incorporate certain novel and unusual design features into an airplane for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF. These features include EFIS, which are susceptible to the HIRF environment, that were not envisaged by the existing regulations for this type of airplane.

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–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, 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 Hondajet HA-420 project. Should Honda Aircraft Company apply at a later date for a supplemental type certificate 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 Hondajet HA-420 manufactured by Honda Aircraft Company.

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 November 30, 2007.

**Patrick R. Mullen,**

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

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 23**

[Docket No. CE276, Special Condition 23-216-SC]

**Special Conditions; Pilatus Aircraft Ltd.; Model PC-12/47E; Protection of Systems for High Intensity Radiated Fields (HIRF)**

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

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