

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### 7 CFR Part 1434

RIN 0560-AH18

#### Nonrecourse Marketing Assistance Loan and Loan Deficiency Payment Regulations for Honey

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule adopts as a final rule, an interim rule published on August 25, 2004. The Commodity Credit Corporation (CCC) uses these regulations to provide marketing assistance loans (MAL) and loan deficiency payments (LDP) for honey pledged as loan collateral. This final rule does not change the interim rule, thus, it is adopted as a final rule without change.

**DATES:** This rule is effective January 21, 2005.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Graham, 202-720-9154, e-mail: [Kimberly.Graham@wdc.usda.gov](mailto:Kimberly.Graham@wdc.usda.gov). Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact the USDA Target Center at (202) 720-2600 (voice and TDD).

#### SUPPLEMENTARY INFORMATION:

##### Background

This rule finalizes a change in CCC regulations regarding producers of relatively small quantities of honey. Most honey marketed in the U.S. is stored in metal drums or plastic storage units called Intermediate Bulk Containers (IBC's), and the majority of commercially exported and imported honey is stored in steel drums. Smaller producers, however, often market through channels like farmer markets or

local groceries, and store honey in smaller, less expensive, plastic containers. This rule finalizes regulations providing that honey stored in 5-gallon plastic containers is eligible for MAL's and LDP's.

#### Public Comments

Section 1601(c) of the Farm Security and Rural Investment Act of 2002 (Section 1601) provides that the regulations involved may be promulgated without notice and comment. Nonetheless, CCC solicited comments on the interim rule because it was determined to be in the public's interest. No comments were received.

#### Executive Order 12866

This rule is issued in conformance with Executive Order 12866, was determined to be not significant, and has not been reviewed by the Office of Management Budget.

#### Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because CCC is not required to publish a notice proposed rulemaking for the subject matter of this rule.

#### Environmental Assessment

The environmental impacts of this rule have been considered in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, the regulations of the Council on Environmental Quality (40 CFR parts 1500-1508), and the FSA regulations for compliance with NEPA, 7 CFR part 799. FSA has initiated the completion of an environmental assessment (EA) to determine the potential impacts of this action upon the human and natural environments. A copy of the draft EA will be made available to the public upon its completion.

#### Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. This rule preempts State laws that are inconsistent with it. Before any legal action may be brought regarding a determination under this rule, the administrative appeal provisions set forth at 7 CFR parts 11 and 780 must be exhausted.

#### Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3014, subpart V, published at 48 FR 29115 (June 24, 1983).

#### Unfunded Mandates Reform Act of 1995

The rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) for State, Local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

#### Paperwork Reduction Act

Section 1601 provides that the promulgation of regulations and the administration of these regulations are not subject to review by OMB under the Paperwork Reduction Act.

#### Executive Order 12612

This rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. This rule will not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various levels of government.

#### Government Paperwork Elimination Act

FSA is committed to compliance with the Government Paperwork Elimination Act (GPEA) and the Freedom to E-File Act, which require Government agencies in general and FSA in particular to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. The forms and other information collection activities required for participation in the program are available electronically for downloading or electronic submission through the USDA eForms Web site at <http://forms.sc.egov.usda.gov/eforms>.

#### Federal Assistance Programs

The title and number of the Federal assistance program found in the Catalog of Federal Domestic Assistance to which this final rule applies are Commodity Loans and Loan Deficiency Payments, 10.051.

**List of Subjects in 7 CFR Part 1434**

Honey, Loan programs-agriculture, Reporting and recordkeeping requirements.

■ For the reasons set out in the preamble, 7 CFR part 1434 is amended as follows:

**PART 1434—NONRECOURSE MARKETING ASSISTANCE LOAN AND LOAN DEFICIENCY PAYMENTS FOR HONEY**

■ Accordingly, the interim rule amending 7 CFR part 1434 which was published at 69 FR 52167, on August 25, 2004, is adopted as a final rule without change.

Signed in Washington, DC, on January 11, 2005.

**James R. Little,**

*Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 05-1050 Filed 1-19-05; 8:45 am]

BILLING CODE 3410-05-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 25**

[Docket No. NM300; Special Conditions No. 25-284-SC]

**Special Conditions: Shadin Company, Inc., Cessna Aircraft Company Model 501 and 551 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 Aircraft Company Model 501 and 551 series airplanes modified by Shadin Company, Inc. These airplanes will have novel and unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The modification incorporates the installation of two Shadin Company Air Data Computers (ADC), Model ADC-6000. 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 January 12, 2005. Comments must be received on or before February 22, 2005.

**ADDRESSES:** Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attn: Rules Docket (ANM-113), Docket No. NM300, 1601 Lind Avenue SW., Renton, Washington 98055-4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. Comments must be marked: Docket No. NM300.

**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) 227-1149.

**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 airplanes 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 persons to participate in this rulemaking by submitting 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. The docket is available for public inspection 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 in light of the comments received.

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 March 3, 2004, Shadin Company, Inc., 6831 Oxford Street, St. Louis Park, MN, 55426-4412, applied for a supplemental type certificate (STC) to modify Cessna Aircraft Company Model 501 and 551 series airplanes. These models are currently approved under Type Certificate No. A27CE. These Cessna airplane models are small transport category airplanes. The Cessna Model 501 is powered by two Pratt & Whitney Aircraft of Canada, Ltd., JT15D-1A or JT15D-1B turbopfans; and the Cessna Model 551 is powered by two Pratt & Whitney Aircraft of Canada, Ltd., JT15D-4 turbopfans. The Cessna Model 501 has a maximum takeoff weight of 11,850 pounds and the Cessna Model 551 has a maximum takeoff weight of 12,500 pounds. The Cessna Model 501 operates with one to two-pilot crews and holds up to 9 passengers and the Cessna Model 551 operates with one to two-pilot crews and holds up to 11 passengers. The modification incorporates the installation of two Shadin ADC 6000 Reduced Vertical Separation Minimum (RVSM) capable systems, which will allow for the removal of the existing encoding altimeters, air data computer, and pneumatic altimeter. This system uses two ADC-6000s and interfaces to existing BA-141 altimeters. These ADCs can be susceptible to disruption to both command and response signals as a result of electrical and magnetic interference. This disruption of signals could result in the loss of all critical flight information displays and annunciators or the presentation of misleading information to the pilot. The avionics/electronics and electrical systems installed in these airplanes have the potential to be vulnerable to high-intensity radiated fields (HIRF) external to the airplanes.

**Type Certification Basis**

Under the provisions of 14 CFR 21.101, Shadin Company, Inc. must show that the Cessna Aircraft Company Model 501 and 551 series airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A27CE, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in