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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

RIN 0563–AC04

Common Crop Insurance Regulations, Mustard Crop Insurance Provisions; Correction

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final regulation which was published Monday, March 3, 2008 (73 FR 11318–11323). The regulation pertains to the insurance of Mustard.

DATES: *Effective Date:* April 2, 2008.

FOR FURTHER INFORMATION CONTACT: Gary Johnson, Risk Management Specialist, Product Management, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, Beacon Facility—Mail Stop 0812, P.O. Box 419205, Kansas City, MO 64141–6205, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of these corrections was intended to amend certain Mustard Crop Insurance Provisions to be used in conjunction with the Common Crop Insurance Policy Basic Provisions for ease of use and consistency of terms.

Need for Corrections

As published at 73 FR 11318, the final regulation contained errors that may prove to be misleading and need to be clarified.

1. The first error is contained in the beginning in the Final Rule under section 1 on page 11320. The definition of ''Mustard'' is incorrect. The text should read as follows:

§ 457.168 Mustard Crop Insurance Provisions

* * * * *

1. Definitions

* * * * *

Mustard. A crop of the family Cruciferae.

* * * * *

2. The second error in section 13(d)(4) on page 11323 contains an additional (i). This second subsection (i) is incorrect. The text should read (ii).

3. The third error in section 13(d)(4) on page 11323 contains an additional (ii) due to the correction above. This second subsection (ii) is incorrect. The text should read (iii).

Signed in Washington, DC, on March 27, 2008.

James Callan,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. E8–6728 Filed 3–31–08; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 61

[Docket No. FAA–2002–13744; Amendment No. 61–120]

RIN 2120–AJ25

Robinson R–22/R–44 Special Training and Experience Requirements

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule continues the existing special training and experience requirements in Special Federal Aviation Regulation (SFAR) No. 73 and extends the termination date for SFAR 73 to June 30, 2009. SFAR No. 73 requires special training and experience for pilots operating the Robinson model R–22 or R–44 helicopters in order to maintain the safe operation of Robinson helicopters. It also requires special training and experience for certified flight instructors conducting student instruction or flight reviews in R–22 or R–44 helicopters.

DATES: This final rule is effective March 31, 2008.

FOR FURTHER INFORMATION CONTACT: John Lynch, Certification and General Aviation Operations Branch, AFS–810, General Aviation and Commercial Division, 800 Independence Ave., SW., Washington, DC 20591; Telephone: (202) 267–8212.

SUPPLEMENTARY INFORMATION:

Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106, describes the authority of the FAA Administrator, including the authority to issue, rescind, and revise regulations. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Chapter 447—Safety Regulation. Under section 44701, the FAA is charged with promoting safe flight of civil aircraft in air commerce by prescribing regulations necessary for safety. Under section 44703, the FAA issues an airman certificate to an individual when we find, after investigation, that the individual is qualified for, and physically able to perform the duties related to, the position authorized by the certificate. In this final rule, we are continuing the existing special training and experience requirements in Special Federal Aviation Regulation (SFAR) No. 73 and extending the termination date for SFAR 73 to June 30, 2009.

Background

Part 61 of Title 14 of the Code of Federal Regulations (14 CFR part 61) details the certification requirements for pilots and flight instructors. Particular requirements for pilots and flight instructors in rotorcraft are found in Subparts C through G, and Appendix B of part 61. These requirements do not address any specific type or model of rotorcraft. However, in 1995 the Federal Aviation Administration (referred to as ''we'') determined that specific training and experience requirements are necessary for the safe operation of Robinson R–22 and R–44 model helicopters.

The R–22 is a 2-seat, reciprocating engine powered helicopter that is frequently used as a low-cost initial student training aircraft. The R–44 is a

4-seat helicopter with operating characteristics and design features that are similar to the R–22. The R–22 is the smallest helicopter in its class and incorporates a unique cyclic control and rotor system. Certain aerodynamic and design features of the aircraft cause specific flight characteristics that require particular pilot awareness and responsiveness.

We found that the R–22 met 14 CFR part 27 certification requirements and issued a type certificate in 1979. The small size and relatively low operating costs of this helicopter made it popular as a training or small utility aircraft. Thus, a significant number of the pilots operating R–22 helicopters were relatively inexperienced. Prior to issuance of SFAR No. 73, the Robinson R–22 experienced a higher number of fatal accidents due to main rotor/airframe contact than other piston-powered helicopters. Many of these accidents were caused by low rotor revolutions per minute (RPM) or low ''G'' conditions that resulted in mast bumping or main rotor-airframe contact accidents. Aviation safety authorities attributed this to pilot error by inexperienced pilots. In our analysis of accident data prior to the first issuance of SFAR No. 73, we found that apparently qualified pilots may not be properly prepared to safely operate the R–22 and R–44 helicopters in certain flight conditions.

A recent analysis of approximately 100 R–22 accidents that occurred between 2005 and 2008 indicated that none of them involved mast bumping, low rotor RPM (blade stall) or low ''G'' hazards. Because the training required by this SFAR addressed these hazards, the FAA believes that the training has been effective. Therefore, we have determined that additional pilot training, originally established by SFAR No. 73, as modified in SFAR No. 73–1, continues to be needed for the safe operation of these helicopters.

Previous Regulatory Action

On March 1, 1995, the FAA published SFAR No. 73 (60 FR 11256). This SFAR required certain experience and training to perform pilot-in-command (PIC) and/or certified flight instructor (CFI) duties. SFAR No. 73 was issued on an emergency basis, with an expiration date of December 31, 1997. On November 21, 1997 (62 FR 62486), the FAA published an NPRM to extend SFAR No. 73 to December 31, 2002, with a minor amendment. The final rule extending SFAR No. 73 to December 31, 2002 was published on January 7, 1998 (63 FR 660). On November 14, 2002, the FAA published an NPRM (67 FR 69106) proposing to extend SFAR No. 73 an additional 5 years. On January 2, 2003, the FAA again re-issued SFAR No. 73 (68 FR 39–43) and extended the rule's expiration date to March 31, 2008.

Regulatory Evaluation, Regulatory Flexibility Determination, International Trade Impact Assessment, and Unfunded Mandates Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995).

In conducting these analyses, FAA has determined this rule—(1) Has benefits which do justify its costs, is not a ''significant regulatory action'' as defined in the Executive Order and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures; (2) will not have a significant impact on a substantial number of small entities; (3) will not create unnecessary obstacles to the foreign commerce of the United States; and (4) does not impose an unfunded mandate on state, local, or tribal governments, or on the private sector.

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this final rule. The reasoning for this determination follows:

This final rule extends the termination date of this SFAR for 15 months. The expected outcome will be a minimal impact with positive net benefits, and a regulatory evaluation was not prepared. FAA has, therefore, determined that this final rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principle, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis (RFA) as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 Act provides that the head of the agency may so certify and an RFA is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This rule will extend SFAR 73, initially published on March 1, 1995, and extended twice since, to June 30, 2009. The SFAR is limited to experience and training requirements to perform pilot-in-command and certified flight instructor duties, thereby impacting individuals rather than entities. Therefore, as the acting FAA Administrator, I certify that this final rule will not have a significant economic impact on small entities.

International Trade Impact Statement

The Trade Agreements Act of 1979 prohibits Federal agencies from engaging in any standards or related

activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards.

In accordance with the above statute, the FAA has assessed the potential effect of this final rule and has determined that it will have only a domestic impact and therefore create no obstacles to the foreign commerce of the United States.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (the Act) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $136.1 million in lieu of $100 million. This final rule does not contain such a mandate. The requirements of Title II do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, or the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we determined that this final rule does not have federalism implications.

International Civil Aviation Organization (ICAO) and Joint Aviation Regulations

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with ICAO Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that this final rule does not conflict with any international agreement of the United States.

Paperwork Reduction Act

The OMB control number assigned to the collection of information for this final rule is 2120–0021.

Good Cause Justification for Adoption Without Prior Notice

The FAA has determined that the continuation of this SFAR is in the public interest. The extension does not impose a new burden, but simply continues in effect the safety critical training and experience requirements of the SFAR. The FAA has extended this SFAR on two separate occasions. In those extensions, the comments received consistently demonstrated a consensus that the training and experience requirements are beneficial to those operating Robinson helicopters. The FAA intends to conduct rulemaking in which it will propose to make the SFAR permanent. A full opportunity for notice and comment will be provided. This extension is being adopted to allow continuation of the SFAR until that rulemaking is complete. Accordingly, the FAA has determined that notice and public procedure on this action is contrary to the public interest because the circumstances described herein warrant immediate action by the FAA to maintain in effect the safety requirements of this SFAR.

Good Cause Justification for Immediate Adoption

The reasons that justified the original issuance of SFAR 73 and the subsequent extensions of the termination date of SFAR 73 still exist. Ordinarily under the Administrative Procedure Act, a substantive rule must be published not less than 30 days before its effective date except, among other things, if the agency finds ''good cause'' for making it effective sooner. See 5 U.S.C. Section 553(d)(3). The FAA finds that the continuation of SFAR 73 for an additional 15 months is necessary to keep in effect safety critical training and experience requirements that are beneficial to those operating Robinson helicopters while the FAA completes rulemaking in which it plans to make the SFAR permanent. For these reasons, and because this SFAR does not impose an additional burden on any person, the FAA finds good cause for making this amendment, which extends the duration of SFAR 73, effective March 31, 2008.

Plain Language

In response to the June 1, 1998 Presidential Memorandum regarding the use of plain language, the FAA re-examined the writing style currently used in the development of regulations. The memorandum requires federal agencies to communicate clearly with the public. We are interested in your comments on whether the style of this document is clear, and in any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at *http://www.plainlanguage.gov*.

Proprietary or Confidential Business Information

Do not file in the docket information that you consider to be proprietary or confidential business information. Send or deliver this information directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. You must mark the information that you consider proprietary or confidential. If you send the information on a disk or CD–ROM, mark the outside of the disk or CD–ROM and also identify electronically within the disk or CD–ROM the specific information that is proprietary or confidential.

Under § 11.35(b), when we are aware of proprietary information filed with a comment, we do not place it in the docket. We hold it in a separate file to which the public does not have access, and place a note in the docket that we have received it. If we receive a request to examine or copy this information, we treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). We process such a request under the DOT procedures found in 49 CFR part 7.

Availability of Rulemaking Documents

You can get an electronic copy of rulemaking documents using the Internet by—(1) Searching the Federal eRulemaking portal (*http://www.regulations.gov*); (2) Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/*; or (3) Accessing the Government Printing Office's Web page at *http://www.gopaccess.gov/fr/index.html*.

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the amendment number or document number of this rulemaking.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. If you are a small entity

and you have a question regarding this document, you may contact your local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. You can find out more about SBREFA on the Internet at *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/*.

List of Subjects in 14 CFR Part 61

Aircraft, Aircraft pilots, Airmen, Airplanes, Air safety, Air transportation, Aviation safety, Balloons, Helicopters, Rotorcraft, Students.

The Final Rule

In consideration of the foregoing, the Federal Aviation Administration amends part 61 of Title 14 of the Code of Federal Regulations (14 CFR part 61) as follows:

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

■ 1. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

■ 2. Revise section 3 of SFAR NO. 73 to read as follows:

SPECIAL FEDERAL AVIATION REGULATION NO. 73–ROBINSON R–22/R–44 SPECIAL TRAINING AND EXPERIENCE REQUIREMENTS

* * * * *

■ 3. *Expiration date.* This SFAR number 73 shall remain in effect until June 30, 2009.

Issued in Washington, DC on March 28, 2008.

Robert A. Sturgell,

Acting Administrator.

[FR Doc. E8–6804 Filed 3–31–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM07–15–000]

Cross-Subsidization Restrictions on Affiliate Transactions

Issued March 25, 2008.

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Final Rule: Notice Extension of Time.

SUMMARY: On February 21, 2008, the Federal Energy Regulatory Commission issued Order No. 707, which amended its regulation to codify restrictions on affiliate transactions between franchised public utilities that have captive customers or that own or provide transmission service over jurisdictional transmission facilities, and their market-regulated power sales affiliates or non-utility affiliates. The Commission is extending the time for any contracts, agreements or arrangements entered into on or after March 31, 2008, the effective date of Order No. 707, to comply with the requirements of Order No. 707.

DATES: The later of July 1, 2008 or 30 days after the issuance of an order on rehearing of Order No. 707.

FOR FURTHER INFORMATION CONTACT:

Carla Urquhart (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8496,

Mosby Perrow (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6857,

David Hunger (Technical Information), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8148,

Stuart Fischer (Technical Information), Office of Enforcement, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8517.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Joseph T. Kelliher, Chairman; Suedeen G. Kelly, Marc Spitzer, Philip D. Moeller, and Jon Wellinghoff.

Order Granting Extension of Time

(Issued March 25, 2008).

1. On February 21, 2008, the Commission issued Order No. 707, which amended its regulations to codify restrictions on affiliate transactions between franchised public utilities that have captive customers or that own or provide transmission service over jurisdictional transmission facilities, and their market-regulated power sales affiliates or non-utility affiliates.[1] The Commission stated that Order No. 707 would become effective 30 days after publication in the **Federal Register**, that is, March 31, 2008.[2] On March 11, 2008, the Edison Electric Institute (EEI) filed a motion for extension of the effective date from March 31, 2008 to either July 1, 2008 or 30 days after the Commission issues an order on rehearing, whichever is later. EEI states that although affiliate restrictions have been applicable to market-based rate power sellers and merging companies, the new final rule requirements will apply more broadly and compliance ''will be a significant undertaking for many companies.'' It also states that the rule ''raises some important questions that EEI and others are likely to ask the Commission to address in requests for rehearing * * *'' and urges the Commission to provide ample time for the new rule to be clarified before it takes effect.[3]

2. As an initial matter, the Commission notes that Order No. 707 stated that the pricing rules adopted therein are prospective and will apply to any contracts, agreements or arrangements entered into on or after the effective date of the rule (March 31, 2008); to the extent different pricing was in effect for any contract, agreement or arrangement entered into prior to the effective date of the final rule, such pricing may remain in effect.[4] Thus, when the Commission issued the final rule, it should have been clear to the industry that, for purposes of complying with Order No. 707, public utilities would not have to modify pricing under contracts, agreements or arrangements in effect before March 31, 2008.[5] We therefore do not believe that, for purposes of this rule, there should be any compliance problems with respect to pre-existing contracts, agreements or arrangements.

3. With respect to any contracts, agreements or arrangements entered into on or after the effective date of the rule (March 31, 2008), however, public utilities were on notice when Order No. 707 was published in the **Federal Register** that they would have to comply with the pricing restrictions of the rule. If we were to change the effective date,

[1] *Cross-Subsidization Restrictions on Affiliate Transactions,* Order No. 707, 73 FR 11,013 (Feb. 29, 2008), FERC Stats. & Regs. ¶31,264 (2008) (Order No. 707).

[2] *Id.* P 85.

[3] EEI Motion at 2.

[4] Order No. 707, FERC Stats. & Regs. ¶ 31,264 at P 85.

[5] Our ''grandfathering'' of preexisting contracts, agreements and arrangements was only for purposes of compliance of this rule. To the extent public utilities were required to comply with the same or similar pricing restrictions pursuant to a merger order or in conjunction with a market-based rate authorization, our action to make Order No. 707 compliance prospective only did not change any such obligations under other orders or rules. That is, pricing restrictions imposed pursuant to a merger order, a market-based rate authorization order or the Commission's market-based rate rules are not within the scope of Order No. 707 and, consequently, the Order No. 707 grandfathering provision does not relieve a public utility of its obligations under other orders and rules with respect to contracts, agreements or arrangements entered into prior to March 31, 2008.