

**Regulatory Analysis****Administrative Procedure Act**

Pursuant to the Administrative Procedure Act (APA), notice and comment are not required prior to the issuance of a final rule if an agency, for good cause, finds that “notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” (5 U.S.C. 553(b)(B)). As discussed above, FAS has determined that recent market events warrant suspending § 6.25(b) for quota year 2023.

To have a meaningful effect, the amendment suspending § 6.25(b) for the next quota year must take effect prior to the application period for quota year 2023, which begins September 1, 2022, and ends on October 15, 2022. For this reason, FAS finds good cause exists to issue the rule without notice and comment pursuant to 5 U.S.C. 553(b)(B), and without a delayed effective date pursuant to 5 U.S.C. 553(d)(3). Although this rule will take immediate effect, FAS invites interested persons to submit comments on the rule and will consider all relevant comments when determining whether further amendments to the regulation are needed.

**Executive Order 12866**

The rule has been determined to be not significant under E.O. 12866 and has been reviewed by the Office of Management and Budget.

**Regulatory Flexibility Act**

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) ensures that regulatory and information requirements are tailored to the size and nature of small businesses, small organizations, and small governmental jurisdictions. The Administrator certifies that this rule will not have a significant economic impact on small businesses participating in the program.

**Executive Order 12988**

This rule has been reviewed under E.O. 12988. This rule meets the applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The provisions of this rule would not have a preemptive effect with respect to any State or local laws, regulations, or policies which conflict with such provision or which otherwise impede their full implementation. This rule will not have a retroactive effect. Before any judicial action may be brought forward regarding this rule, all

administrative remedies must be exhausted.

**Executive Order 13132**

FAS has reviewed this rule in accordance with E.O. 13132 regarding federalism and has determined that it does not have “federalism implications.” The rule will not “have substantial direct effects 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.”

**Executive Order 13175**

This rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

**National Environmental Policy Act**

The Administrator has determined that this action will not have a significant effect on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is necessary for this rule.

**Unfunded Mandates Reform Act**

This rule does not impose an unfunded mandate or any other requirement on state, local, or tribal governments. Accordingly, these programs are not subject to the provisions of the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*).

**Executive Order 12630**

This Executive Order requires careful evaluation of governmental actions that interfere with constitutionally protected property rights. This rule does not interfere with any property rights and, therefore, does not need to be evaluated on the basis of the criteria outlined in E.O. 12630.

**Congressional Review Act**

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), OMB’s Office of Information and Regulatory Affairs has determined that this is not a “major rule” as defined by the Congressional Review Act (5 U.S.C. 804(2)).

**List of Subjects in 7 CFR Part 6**

Agricultural commodities, Dairy, Cheese, Imports, Procedural rules, Application requirements, Tariff-rate

quota, Reporting and recordkeeping requirements.

Accordingly, for these reasons, 7 CFR part 6 is amended as follows:

**PART 6—IMPORT QUOTAS AND FEES****Subpart B—Dairy Tariff-Rate Quota Import Licensing**

■ 1. The authority citation for subpart B continues to read as follows:

**Authority:** Additional U.S. Notes 6, 7, 8, 12, 14, 16–23 and 25 to Chapter 4 and General Note 15 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202), Pub. L. 97–258, 96 Stat. 1051, as amended (31 U.S.C. 9701), and secs. 103 and 404, Pub. L. 103–465, 108 Stat. 4819 (19 U.S.C. 3513 and 3601).

■ 2. Amend § 6.25 by revising paragraph (b) to read as follows:

**§ 6.25 Allocation of licenses.**

\* \* \* \* \*

(b) *Historical licenses for the 2016 and subsequent quota years (Appendix 1).* A person issued a historical license for the current quota year will be issued a historical license in the same amount for the same article from the same country for the next quota year except that beginning with the 2024 quota year, a person who has surrendered more than 50 percent of such historical license in at least three of the prior 5 quota years will thereafter be issued a license in an amount equal to the average annual quantity entered during those 5 quota years.

\* \* \* \* \*

Daniel Whitley,

Administrator, Foreign Agricultural Service.

[FR Doc. 2022–18751 Filed 8–25–22; 4:15 pm]

BILLING CODE 3410–10–P

**DEPARTMENT OF AGRICULTURE****Federal Crop Insurance Corporation****7 CFR Part 457**

[Docket ID FCIC–22–0004]

RIN 0563–AC79

**Crop Insurance Reporting and Other Changes (CIROC); Corrections**

**AGENCY:** Federal Crop Insurance Corporation, U.S. Department of Agriculture (USDA).

**ACTION:** Correcting amendment.

**SUMMARY:** On June 30, 2022, the Federal Crop Insurance Corporation revised the Area Risk Protection Insurance (ARPI) Regulations, Common Crop Insurance Policy (CCIP) Basic Provisions, and 20

Crop Provisions. That final rule contained some incorrect references, missing words, grammatical and spelling errors, repetitive parenthetical titles, and inadvertently removed text in the amendatory instructions. This document makes the corrections.

**DATES:** Effective August 30, 2022.

**FOR FURTHER INFORMATION CONTACT:** Francie Tolle; telephone (816) 926-7730; email [francie.tolle@usda.gov](mailto:francie.tolle@usda.gov). Persons with disabilities who require alternative means of communication should contact the USDA Target Center at (202) 720-2600 or 844-433-2774.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Common Crop Insurance Regulations in 7 CFR part 457 were revised by a final rule with request for comments published in the **Federal Register** on June 30, 2022 (87 FR 38883-38900). Changes were made in that rule to the Area Risk Protection Insurance (ARPI) Basic Provisions (7 CFR part 407), Common Crop Insurance Policy (CCIP) Basic Provisions (7 CFR 457.8), and 20 Crop Provisions. In reviewing the changes made, FCIC found some incorrect references, missing words, grammatical and spelling errors, repetitive parenthetical titles, and inadvertently missing text that was included in the amendatory instructions. This document makes the corrections in the following Provisions:

- Common Crop Insurance Policy Basic Provisions (7 CFR 457.8)
- Pear Crop Insurance Provisions (7 CFR 457.111);
- Guaranteed Production Plan of Fresh Market Tomato (7 CFR 457.128);
- Macadamia Nut Crop Insurance Provisions (7 CFR 457.131);
- Onion Crop Insurance Provisions (7 CFR 457.135);
- Fresh Market Tomato Dollar Plan Crop Insurance Provisions (7 CFR 457.139);
- Table Grape Crop Insurance Provisions (7 CFR 457.149);
- Pecan Revenue Crop Insurance Provisions (7 CFR 457.167);
- Cabbage Crop Insurance Provisions (7 CFR 457.171);
- Florida Avocado Crop Insurance Provisions (7 CFR 457.173); and
- California Avocado Crop Insurance Provisions (7 CFR 457.175).

**List of Subjects in 7 CFR Part 457**

Acreage allotments, Crop insurance, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 457 is corrected by making the following amendments:

**PART 457—COMMON CROP INSURANCE REGULATIONS**

■ 1. The authority citation for part 457 continues to read as follows:

**Authority:** 7 U.S.C. 1506(l), 1506(o).

■ 2. Amend § 457.8 in the “Common Crop Insurance Policy” by:

- a. In section 20, revising paragraph (d)(1);
- b. In section 25, in paragraph (a)(1), removing the words “an substantial” and adding “a substantial” in their place; and
- c. In section 38, in paragraph (b)(2), removing “3(g)” and adding “section 3(g)” in its place.

The revision reads as follows:

**§ 457.8 The application and policy.**

\* \* \* \* \*

*Common Crop Insurance Policy*

\* \* \* \* \*

20. Mediation, Arbitration, Appeal, Reconsideration, and Administrative and Judicial Review

\* \* \* \* \*

(d) \* \* \*

(1) We will make decisions regarding what constitutes a good farming practice and determinations of assigned production for uninsured causes for your failure to use good farming practices.

(i) If you disagree with our determination of the amount of assigned production, you must use the arbitration or mediation process contained in this section.

(ii) If you disagree with our decision of what constitutes a good farming practice you may request through us that FCIC review our decision. Requests for FCIC review must be made within 30 days of the postmark date on the written notice of the determination regarding good farming practices.

(iii) You may not sue us for our decisions regarding whether good farming practices were used by you. You must request a determination from FCIC of what constitutes a good farming practice before filing any suit against FCIC.

\* \* \* \* \*

**§ 457.111 [Amended]**

■ 3. In § 457.111, in the “Pear Crop Provisions”, amend section 13 by:

- a. In the introductory paragraph, removing the phrase “Insured who select this option cannot receive” and adding “If you select this option, you cannot receive” in its place; and
- b. In paragraph (a)(4), removing the word “elect” and adding “elected” in its place.

**§ 457.128 [Amended]**

■ 4. Amend § 457.128 in the “Guaranteed Production Plan of Fresh Market Tomato Crop Insurance Provisions” by:

- a. In section 3 introductory text, removing the parenthetical phrase “(Insurance Guarantees, Coverage Levels, and Prices)”;
- b. In section 4, removing the parenthetical phrase “(Contract Changes)”;
- c. In section 5 introductory text, removing the parenthetical phrase “(Life of Policy, Cancellation, and Termination)”;
- d. In section 6, removing the parenthetical phrase “(Report of Acreage)” wherever it appears;
- e. In section 8 introductory text, removing the parenthetical phrase “(Insured Crop)”;
- f. In section 9, removing the parenthetical phrase “(Insurable Acreage)” wherever it appears;
- g. In section 10:
- i. In the introductory text, removing the parenthetical phrase “(Insurance Period)”;
- ii. In paragraph (b)(7), removing the word “States” and add “states” in its place;
- h. In section 11, removing the parenthetical phrase “(Causes of Loss)” wherever it appears; and
- i. In section 12, removing the parenthetical phrase “(Replanting Payment)” wherever it appears.

**§ 457.131 [Amended]**

■ 5. In § 457.131, in the “Macadamia Nut Crop Provisions”, in section 1, in the definition of “Interplanted”, remove the word “agricultural commodities” and add “crops” in its place.

**§ 457.135 [Amended]**

■ 6. In § 457.135, in the “Onion Crop Provisions”, in section 3, in paragraph (a), remove the phrase “designated in the actuarial documents” and add “designated in the Special Provisions” in its place.

■ 7. In § 457.139, in the “Fresh market tomato (dollar plan) crop provisions”, amend section 16 by:

- a. In paragraph (b) introductory text, removing the word “section” and adding “sections” in its place; and
- b. In the table in paragraph (c), revising the entry for 16(b)(1).

The revision reads as follows:

**§ 457.139 Fresh market tomato (dollar plan) crop insurance provisions.**

\* \* \* \* \*

*Fresh Market Tomato (Dollar Plan) Crop Provisions*

\* \* \* \* \*

16. Minimum Value Option

(c) \* \* \*

\* \* \* \* \*

16(b)(1) .....	500 cartons × \$2 = value of sold production (\$6 price received minus \$4.25 allowable costs = \$1.75. The \$2.00 minimum value option price is greater than \$1.75).	1,000
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**§ 457.149 [Amended]**

- 8. Amend § 457.149 in the “Table Grape Crop Provisions” by:
  - a. In section 3, in paragraph (b), removing the phrase “have same percentage relationship” and adding “have the same percentage relationship” in its place; and
  - b. In section 11, in paragraph (c), removing the words “meet requirements” and adding “meet the requirements” in their place.

**§ 457.167 [Amended]**

- 9. In § 457.167, in the “Pecan Revenue Crop Insurance Provisions”, in section 4, in paragraph (b), remove the words “Web site” and add “website” in its place.

**§ 457.173 [Amended]**

- 10. In § 457.173, in the “Florida Avocado Crop Insurance Provisions”, in section 8, in paragraph (a)(3)(i), remove the words “varieties of” and add “varieties and mid varieties of” in their place.

**§ 457.175 [Amended]**

- 11. In § 457.175, in the “California Avocado Crop Provisions”, in section 11, in paragraph (b)(2), remove “11(c)” and add “11(c)” in its place.

**Marcia Bungler,**

*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 2022–18595 Filed 8–29–22; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 29**

[Docket No. FAA–2022–0183; Special Conditions No. 29–056–SC]

**Special Conditions: The Boeing Company, Leonardo S.p.a. Model AW139 Helicopter; Use of New Hovering Out of Ground Effect Utility Power on the Model AW139 Helicopter**

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

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the Leonardo S.p.a. (Leonardo) Model AW139 helicopter. This helicopter as modified by The Boeing Company (Boeing) will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for helicopters. This design feature incorporates a 2.5-minute all engines operating (AEO) power restricted for use at helicopter operating speeds below 60 knots indicated airspeed (KIAS), and hovering out of ground effect (HOGE). This power is referred to as 2.5-minute HOGE utility power (HUP), or 2.5-minute HUP. The 2.5-minute HUP is greater than the transmission power limitations associated with takeoff and AEO. 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:** Effective September 29, 2022.

**FOR FURTHER INFORMATION CONTACT:** Dorina Mihail, Propulsion and Energy Section, AIR–624, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 1200 District Avenue, Burlington, MA 01803; telephone 781–238–7153; fax 781–238–7199; email [Dorina.Mihail@faa.gov](mailto:Dorina.Mihail@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 18, 2020, Boeing applied for a supplemental type certificate for performance envelope expansion of the Leonardo Model AW139 helicopter. The AW139 helicopter as changed, is a medium twin-engine 14 CFR part 29 transport category B helicopter with a 15,521 pounds (7040 Kg) maximum takeoff weight and a maximum seating capacity of nine passengers and two crew. This helicopter takeoff and landing altitude is 10,000 feet density altitude (Hd), and the forward flight altitude is 11,000 feet Hd. This helicopter has the capability

for Category II instrument landing system (ILS) approaches. The Model AW139 helicopter as changed will be equipped with two PT6C–67C1 engines. The Model AW139 helicopter as changed will have a 2.5-minute HUP for use in HOGE that exceeds the transmission power limitations associated with takeoff and AEO.

**Type Certification Basis**

Under the provisions of 14 CFR 21.101, Boeing must show that the Leonardo Model AW139 helicopter, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. R00002RD, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. The proposed certification basis for this supplemental type certificate is as follows:

14 CFR 21.29 and Part 29, Amendment 29–1 through Amendment 29–45 with 14 CFR 29.25, 29.143, 29.173, 29.175, 29.177 at Amendment 29–51, and 14 CFR 29.773 at Amendment 29–57.

Equivalent Level of Safety Findings issued against:

14 CFR 29.1305, as documented in the AB139 FAA Memo, dated December 20, 2004.

If the Administrator finds that the applicable airworthiness regulations (e.g., 14 CFR part 29) do not contain adequate or appropriate safety standards for the Leonardo Model AW139 helicopter because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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 included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Leonardo Model AW139 helicopter must comply with the noise certification requirements of 14 CFR part 36.