

# Rules and Regulations

Federal Register

Vol. 61, No. 128

Tuesday, July 2, 1996

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 400

#### General Administration Regulations; Reinsurance Agreement—Standards for Approval

**AGENCY:** Federal Crop Insurance Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) amends its General Administrative Regulations by revising § 400.168. This amendment is intended to bring § 400.168 into conformance with the Federal Agriculture Improvement and Reform Act of 1996 (1996 Act) by clarifying the obligations of the reinsured companies with respect to the sale and service of the catastrophic risk protection (CAT) plan of insurance in those States, or portions of a State, where the Secretary of Agriculture has determined that there are, or are not, sufficient insurance agents and other personnel available to service CAT policyholders.

**EFFECTIVE DATE:** June 27, 1996.

**FOR FURTHER INFORMATION CONTACT:** Diana Moslak, Account Executive, Risk Management Agency, Insurance Services Division, Reinsurance Services Liaison Branch, United States Department of Agriculture (USDA), Washington, D.C. 20250, telephone (202) 720-2832.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 161(d) of the 1996 Act, this rule is issued without regard to (1) the notice and comment provisions of section 553 of Title 5, United States Code,

(1) the notice and comment provisions of section 553 of Title 5, United States Code,

(2) the Statement of Policy of the Secretary of Agriculture (36 FR 13804)

relating to notice of proposed rulemaking and public participation in rulemaking, and

(3) the Paperwork Reduction Act of 1995, (44 U.S.C., chapter 35) notice and comment requirements.

#### Executive Order 12866 and Departmental Regulation 1512-1

This action has been reviewed under United States Department of Agriculture (USDA) procedures established by Executive Order 12866 and Departmental Regulation 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is March 31, 1999.

This rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

#### Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and private sector. Under section 202 of the UMRA, FCIC generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures of State, local, or tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FCIC to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector. Thus, the rule is not subject to the requirements of section 202 and 205 of the UMRA. Executive Order No. 12612.

It has been determined under section 6(a) of Executive Order No. 12612, Federalism, that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism

Assessment. The provisions contained in 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.

#### Regulatory Flexibility Act

This regulation will not have a significant impact on a substantial number of small entities. This action does not increase the burden on the reinsured company because this action merely clarifies the obligations of participating insurance companies in providing for the delivery of catastrophic risk protection policies through approved private insurance providers consistent with the legislative requirement of the 1996 Act to foster a single delivery system. Although this action will require approved insurance providers to accept all eligible applicants for all plans of insurance in all counties within a State (or a portion of State) where it is determined that there is a sufficient number of active agents reasonably accessible to producers, the benefits in terms of greater underwriting capacity for the private sector will outweigh any increased underwriting risks associated with a single delivery system. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. § 605) and no Regulatory Flexibility Analysis was prepared.

#### Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

#### Executive Order No. 12372

This program is not subject to the provision of Executive Order No. 12372, which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

#### Executive Order No. 12778

The Office of the General Counsel has determined that these regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order No. 12778. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions

contained in these regulations and the appeal provisions promulgated by the Board of Contract Appeals, 7 CFR part 24, subtitle A, must be exhausted before any action for judicial review may be brought.

**Environmental Evaluation**

This action is not expected to have a significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

**National Performance Review**

This regulatory action is being taken as part of the National Performance Review Initiative to eliminate unnecessary or duplicative regulations and improve those that remain in force.

**Background**

Prior to enactment of the 1996 Act, CAT coverage was offered through approved insurance providers and through local offices of the Farm Service Agency, USDA on a nationwide basis. The 1996 Act amended the Federal Crop Insurance Act to require the USDA to phase in a single delivery of CAT coverage unless the Secretary of Agriculture determines that the number of private insurers in a State (or a portion of a State) is insufficient to provide the coverage. In response to the legislative elimination of the delivery of CAT through county Farm Service Agency offices, except in those areas where there are insufficient approved private insurance providers to provide CAT coverage to producers, FCIC must amend this regulation to update and clarify the obligations of participating insurance companies.

**List of Subjects in 7 CFR Part 400**

Crop insurance.

**Final Rule**

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. § 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends General Administrative Regulations, 7 CFR part 400, subpart L, effective for the 1997 and succeeding reinsurance years, as follows:

**PART 400—GENERAL ADMINISTRATIVE REGULATIONS**

**Subpart L—Reinsurance Agreement—Standards for Approval; Regulations for the 1997 and Subsequent Reinsurance Years**

1. The authority citation for 7 CFR part 400, subpart L is revised to read as follows:

Authority: 7 U.S.C. 1506(l), 1506(p).  
2. Paragraphs (b) and (c) of § 400.168 are revised to read as follows:

**§ 400.168 Obligations of participating insurance company.**

\* \* \* \* \*  
(b) The Company shall make available to all eligible producers in the areas designated in its plan of operations as approved by the Corporation:

(1) The crop insurance plans for the crops designated in its plan of operation in those counties within a State, or a portion of a State, where the Secretary of Agriculture has determined that insurance is available through local offices of the United States Department of Agriculture; and

(2) Catastrophic risk protection, limited, and additional coverage plans of insurance for all crops, for which such insurance is made available by the Corporation, in all counties within a state, or a portion of State, where the Secretary of Agriculture has determined that insurance is no longer available through local offices of the United States Department of Agriculture.

(c) The Company shall provide the Corporation, on forms approved by the Corporation all information that the Corporation may deem relevant in the administration of the Agreement, including a list of all applicants determined to be ineligible for crop insurance coverage in accordance with subpart U of part 400 and all insured producers cancelled or terminated from insurance, along with the reason for such action, the crop program, and the amount of coverage for each.

\* \* \* \* \*  
Signed in Washington, D.C., on June 26, 1996.

Kenneth D. Ackerman,  
*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 96-16794 Filed 6-27-96; 12:36 pm]

BILLING CODE 3410-FA-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 95-NM-268-AD; Amendment 39-9685; AD 96-14-03]

RIN 2120-AA64

**Airworthiness Directives; de Havilland Model DHC-8-301, -311, and -315 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain de Havilland Model DHC-8-301, -311, and -315 series airplanes, that currently requires modification of the airspeed limitations placard and revision of the Airplane Flight Manual to specify operating at lower airspeeds when the airplane is operating at full flaps. That action also provides for the optional termination of the requirements of the AD for certain airplanes. That action was prompted by a report that incorrect rivets were installed on the outboard flaps assemblies of these airplanes. The actions specified by that AD are intended to prevent structural failure of the outboard flaps of the wings due to the installation of incorrect rivets in the flap assemblies, which could result in reduced controllability of the airplane. This new amendment requires the installation of the previously optional terminating modification on certain airplanes.

**DATES:** Effective August 6, 1996.

The incorporation by reference of de Havilland Service Bulletin S.B. 8-57-24, Revision 'A', dated September 26, 1995; and DHC-8 Model 301 Flight Manual, PSM 1-83-1A, Flight Manual Revision 57, dated September 26, 1995; as listed in the regulations, was approved previously by the Director of the Federal Register as of February 27, 1996 (61 FR 5277, February 12, 1996).

**ADDRESSES:** Service information referenced in this amendment may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Franco Pieri, Aerospace Engineer, Airframe Branch, ANE-171, FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7526; fax (516) 568-2716.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 95-26-17, amendment 39-9475 (61 FR 5277, February 12, 1996), which is applicable to certain de Havilland Model DHC-8-