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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

RIN 0563-AB94

General Administrative Regulations, Common Crop Insurance Regulations, Basic Provisions; Correction

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule; correction.

SUMMARY: The document contains a correction to the final regulation which was published Tuesday, August 10, 2004. The regulation pertains to the Common Crop Insurance Regulations, Basic Provisions.

EFFECTIVE DATE: December 14, 2004.

FOR FURTHER INFORMATION CONTACT: Janice Nuckolls, Insurance Management Specialist, Research and Development, Product Development Division, Risk Management Agency, United States Department of Agriculture, 6501 Beacon Drive, Stop 0812, Room 421, Kansas City, MO, 64133-4676, telephone (816) 926-7730.

SUPPLEMENTARY INFORMATION:

Background

This correcting amendment corrects changes to the Common Crop Insurance Regulations; Basic Provisions.

Need for Correction

As published, in the **Federal Register** on August 10, 2004 (69 FR 48652) the FR Rule Document 04-18056 contained an error that may prove to be misleading and needs to be clarified.

List of Subjects in 7 CFR Part 457

Crop Insurance, Federal Crop Insurance Corporation, Reporting and recordkeeping requirements.

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

PART 457—COMMON CROP INSURANCE REGULATIONS

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

Authority: 7 U.S.C. 1506(1) and 1506(p).

■ 2. Section 457.8 is amended by revising section 17(e)(1)(i)(A) to read as follows:

§ 457.8 The application and policy.

* * * * *

17. Prevented Planting

* * * * *

(e) * * *

(1) * * *

(i) * * *

(A) The maximum number of acres certified for APH purposes, or insured acres reported, for the crop in any one of the 4 most recent crop years (not including reported prevented planting acreage that was planted to a second crop unless you meet the double cropping requirements in section 17(f)(4)). The number of acres determined above for a crop may be increased by multiplying it by the ratio of the total cropland acres that you are farming this year (if greater) to the total cropland acres that you farmed in the previous year, provided that you submit proof to us that for the current crop year you have purchased or leased additional land or that acreage will be released from any USDA program which prohibits harvest of a crop. Such acreage must have been purchased, leased, or released from the USDA program, in time to plant it for the current crop year using good farming practices. No cause of loss that would prevent planting may be evident at the time you lease the acreage (except acreage you leased the previous year and continue to lease in the current crop year); you buy the acreage; the acreage is released from a USDA program which prohibits harvest of a crop; you request a written agreement to insure the acreage; or you otherwise acquire the acreage (such as inherited or gifted acreage).

* * * * *

Signed in Washington, DC, on December 8, 2004.

Ross J. Davidson, Jr.,
Manager, Federal Crop Insurance Corporation.

[FR Doc. 04-27313 Filed 12-13-04; 8:45 am]

BILLING CODE 3410-08-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317 and 381

[Docket No. 03-026F]

RIN 0583-AD05

Uniform Compliance Date for Food Labeling Regulations

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rule announces that the Food Safety and Inspection Service (FSIS) is establishing January 1, 2008, as the uniform compliance date for new food labeling regulations that are issued between January 1, 2005, and December 31, 2006. FSIS is establishing a uniform compliance date to minimize the economic impact of labeling changes by providing for an orderly industry adjustment to new labeling requirements that occur between the designated dates. Furthermore, FSIS is establishing the uniform compliance date approach in order to be consistent with the approach that the Department of Health and Human Services, Food and Drug Administration (FDA), has already established.

EFFECTIVE DATE: This rule is effective January 13, 2005.

FOR FURTHER INFORMATION CONTACT: Robert C. Post, PhD., Director, Labeling and Consumer Protection Staff, Office of Policy, Program, and Employee Development, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700, Telephone (202) 205-0279, Fax (202) 205-3625.

SUPPLEMENTARY INFORMATION:

Background

The Food Safety and Inspection Service (FSIS) periodically issues regulations that require changes in the labeling of meat and poultry food products. Currently, the Agency

establishes a separate compliance date for each new labeling regulation that it publishes. Many meat and poultry establishments also produce non-meat and non-poultry food products subject to the jurisdiction of the Food and Drug Administration (FDA). FDA also periodically issues regulations that require changes in the labeling of such food products. In contrast to FSIS, FDA has established a standard uniform compliance date for all of its food labeling regulations that are issued during a given two year period. FSIS has determined that coordinating the effective dates of its labeling changes and FDA's labeling changes will minimize the economic impact of those changes on the industry.

Therefore, FSIS believes that there should be a uniform compliance date for all food product labeling regulations affecting meat and poultry establishments that are issued within a two year period. Such a compliance date will ensure that changes will take effect on a timely basis, but that companies will not have to respond separately to each change as it occurs.

In December 2002, FDA established January 1, 2006, as the uniform compliance date for all Federal food labeling regulations affecting non-meat and non-poultry food products which it issues between January 1, 2003, and December 31, 2004. FSIS anticipates that FDA will publish a notice in the **Federal Register** establishing January 1, 2008, as its next sequential uniform compliance date for food labeling regulations issued between January 1, 2005, and December 31, 2006.

Therefore, in order to harmonize its compliance schedule with that of FDA, FSIS is establishing January 1, 2008, as the uniform compliance date for amendments to the Federal meat and poultry food product labeling regulations that it issues between January 1, 2005, and December 31, 2006.

Like FDA, FSIS intends to set uniform compliance dates in two year increments. FSIS believes that two year increments will enhance the industry's ability to make orderly adjustments to new labeling requirements. Industry will be able to plan for the use of label inventories and develop new labeling materials that meet the requirements of all labeling regulations made within the two year period, thereby minimizing the economic impact of labeling changes. By establishing a uniform compliance date that is the same as FDA's, FSIS is providing the meat and poultry industry with a greater ability to adjust its production plans to new labeling requirements across all of its product lines.

Establishing this policy serves consumers' interests because the cost of multiple short-term label revisions that would otherwise occur would likely be passed on to consumers in the form of higher prices. This action will not change existing requirements for compliance dates contained in final rules published before January 1, 2005. Therefore, all final FSIS regulations published in the **Federal Register** before January 1, 2005, will go into effect on the date stated in the respective final rules.

It will remain FSIS' policy generally to encourage industry to comply with new labeling regulations as quickly as feasible. Thus, when industry members voluntarily change their labels, they should consider incorporating any new requirements that have been published as final regulations up to that time.

The new uniform compliance date will apply only to final FSIS regulations that require changes in the labeling of meat and poultry products and that are published after January 1, 2005, and before December 31, 2006. In each of these regulations, FSIS will specifically identify January 1, 2008, as the compliance date. All meat and poultry food products that are subject to labeling regulations promulgated between January 1, 2005, to December 31, 2006, will be required to comply with these regulations when introduced into commerce on or after January 1, 2008. If any food labeling regulation involves special circumstances that justify a compliance date other than January 1, 2008, the agency will determine for that regulation an appropriate compliance date, which will be specified when the final regulation is published.

Comments and Responses

FSIS proposed to make this change in the **Federal Register** of May 4, 2004 (69 FR 24539). FSIS received four comments on the proposal, all of which came from trade associations. All four commenters fully supported FSIS' proposal to establish a policy to enact a uniform compliance date approach to food labeling consistent with that of the FDA.

Executive Order 12866: Benefit-Cost Analysis

This action has been determined not to be significant and it therefore has not been reviewed by the Office of Management and Budget in accordance with Executive Order 12866. Establishing a uniform compliance date for all future Federal food product labeling regulations affecting the meat and poultry industry that are issued by

FSIS and FDA over a two year period will eliminate potentially burdensome requirements otherwise faced by the industry. This measure is consistent with regulatory reform of Federal rulemaking in that it eliminates potentially unnecessary and onerous requirements.

The elimination of potentially conflicting compliance dates for labeling requirements between meat and poultry products and non-meat and non-poultry products provides for an orderly industry adjustment to any new labeling requirements. Labeling changes in response to Federal regulations will likely be less frequent, and establishments will be able to plan for full utilization of their labeling stocks.

Need for the Rule

Establishing uniform compliance dates for food labeling regulations issued within specified time periods minimizes the economic impact of label changes for industry and may indirectly benefit consumers if cost savings are passed on in the form of lower prices. Further, FSIS is establishing the uniform compliance date to be consistent with the approach which the FDA has already established.

Regulatory Flexibility Analysis

This rule does not have a significant economic impact on a substantial number of small entities; consequently, an initial regulatory flexibility analysis is not required (5 U.S.C. 601-612). The uniform compliance date does not impose any burden on small entities. The agency will conduct regulatory flexibility analyses of future labeling regulations if such analyses are required.

Paperwork Requirements

There are no paperwork or recordkeeping requirements associated with this policy under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with disabilities, are aware of this final rule, FSIS will announce it on-line through the FSIS Web page located at <http://www.fsis.usda.gov>.

The Regulations.gov Web site is the central online rulemaking portal of the United States government. It is being offered as a public service to increase participation in the Federal government's regulatory activities. FSIS

participates in Regulations.gov and will accept comments on documents published on the site. The site allows visitors to search by keyword or Department or Agency for rulemakings that allow for public comment. Each entry provides a quick link to a comment form so that visitors can type in their comments and submit them to FSIS. The Web site is located at <http://www.regulations.gov>.

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other types of information that could affect or would be of interest to our constituents and stakeholders. The update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The update also is available on the FSIS web page. Through Listserv and the web page, FSIS is able to provide information to a much broader, more diverse audience.

Done in Washington, DC, on: November 18, 2004.

Barbara J. Masters,
Acting Administrator.

[FR Doc. 04-27335 Filed 12-13-04; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE216; Special Conditions No. 23-155-SC]

Special Conditions: AMSAFE, Incorporated; Cessna Models 172 (R and S), 182 (S, T, and T182T), and 206 (H and T206H); Inflatable Three-Point Restraint Safety Belt With an Integrated Airbag Device

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the installation of an AMSAFE, Inc., Inflatable Three-Point Restraint Safety Belt with an Integrated Airbag Device on Cessna Models 172 (R and S), 182 (S, T, and T182T), and 206 (H and T206H). These airplanes, as modified by AMSAFE, Inc., will have

novel and unusual design features associated with the lap belt portion of the safety belt, which contains an integrated airbag device. 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: The effective date of these special conditions is December 3, 2004. Comments must be received on or before January 13, 2005.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration (FAA), Regional Counsel, ACE-7, Attention: Rules Docket, Docket No. CE216, 901 Locust, Room 506, Kansas City, Missouri 64106, or delivered in duplicate to the Regional Counsel at the above address. Comments must be marked: CE216. 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: Mr. Pat Mullen, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE-111, 901 Locust, Kansas City, Missouri, 816-329-4128, fax 816-329-4090, e-mail pat.mullen@faa.gov.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment is impractical because these procedures would significantly delay issuance of the approval design and thus delivery of the affected aircraft. 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 special condition 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 CE216." The postcard will be date stamped and returned to the commenter.

Background

On March 26, 2004, AMSAFE, Inc., Aviation Inflatable Restraints Division, 1043 North 47th Avenue, Phoenix, AZ 85043, applied for a supplemental type certificate for the installation of an inflatable lap belt restraint with a standard upper torso restraint (or shoulder harness) in Cessna Models 172 (R and S), 182 (S, T, and T182T), and 206 (H and T206H). The Cessna Models 172 (R and S), 182 (S, T, and T182T), and 206 (H and T206H) are single-engine, multi-place airplanes.

The inflatable restraint system is a three-point safety belt restraint system consisting of a traditional shoulder harness and an inflatable airbag lap belt. The inflatable portion of the restraint system will rely on sensors to electronically activate the inflator for deployment. The inflatable restraint system will be made available on the pilot, co-pilot, and passenger seats of these airplanes.

In the event of an emergency landing, the airbag will inflate and provide a protective cushion between the occupant's head and structure within the airplane. This will reduce the potential for head and torso injury. The inflatable restraint behaves in a manner that is similar to an automotive airbag, but in this case, the airbag is integrated into the lap belt. While airbags and inflatable restraints are standard in the automotive industry, the use of an inflatable three-point restraint system is novel for general aviation operations.

The FAA has determined that this project will be accomplished on the basis of providing the same current level of safety of the Cessna Models 172 (R and S), 182 (S, T, and T182T), and 206 (H and T206H). The FAA has two primary safety concerns with the installation of airbags or inflatable restraints:

- That they perform properly under foreseeable operating conditions; and
- That they do not perform in a manner or at such times as to impede the pilot's ability to maintain control of the airplane or constitute a hazard to the airplane or occupants.

The latter point has the potential to be the more rigorous of the requirements. An unexpected deployment while conducting the takeoff or landing phases