

this rule will not have any negative impact on the rights, roles, and responsibilities of State, local, or tribal governments.

#### List of Subjects in 5 CFR Part 894

Administrative practice and procedure, Employee benefit plans, Government employees, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management.

**John Berry,**  
Director.

■ Accordingly, OPM amends 5 CFR part 894 as follows:

#### PART 894—FEDERAL EMPLOYEES DENTAL AND VISION PROGRAM

■ 1. The authority citation for part 894 is revised to read as follows:

**Authority:** 5 U.S.C. 8962; 5 U.S.C. 8992; subpart C also issued under sec. 1 of Pub. L. 110–279, 122 Stat. 2604.

#### Subpart C—Eligibility

■ 2. Revise § 894.301 to read as follows:

##### § 894.301 Am I eligible to enroll in the FEDVIP?

You are eligible if—

(a) You meet the definition of *employee* in 5 U.S.C. 8901(1), unless you are in an excluded position;

(b) You are an employee of the United States Postal Service or the District of Columbia courts; or

(c)(1) You were employed by the Architect of the Capitol as a Senate Restaurants employee the day before the food services operations of the Senate Restaurants were transferred to a private business concern; and

(2) You accepted employment by the business concern and elected to continue your Federal retirement benefits and your FEDVIP coverage. You continue to be eligible for FEDVIP coverage as long as you remain employed by the business concern or its successor.

■ 3. Revise § 894.302 introductory text to read as follows:

##### § 894.302 What is an excluded position?

Excluded positions are described in 5 U.S.C. 8901(1)(i), (ii), (iii), and (iv) and 5 CFR 890.102(c), except that employees of the United States Postal Service and District of Columbia courts are not excluded positions.

\* \* \* \* \*

#### Subpart E—Enrollment and Changing Enrollment

■ 4. Revise § 894.501(d) to read as follows:

##### § 894.501 When may I enroll?

\* \* \* \* \*

(d) From 31 days before you or an eligible family member loses other dental/vision coverage to 60 days after a QLE that allows you to enroll.

■ 5. Revise § 894.510(c) and (d) to read as follows:

##### § 894.510 When may I decrease my type of enrollment?

\* \* \* \* \*

(c)(1) Except as provided in paragraph (c)(2) of this section, you may decrease your type of enrollment only during the period beginning 31 days before your QLE and ending 60 days after your QLE.

(2) You may make any of the following enrollment changes at any time beginning 31 days before a QLE listed in § 894.511(a):

(i) A decrease in your self plus one enrollment;

(ii) A decrease in your self and family enrollment to a self plus one enrollment, when you have only one remaining eligible family member; or

(iii) A decrease in your self and family enrollment to a self only enrollment, when you have no remaining eligible family members.

(d)(1) Except as provided in paragraph (d)(2) of this section, your change in enrollment is effective the first day of the first pay period following the one in which you make the change.

(2) If you are making an enrollment change described in paragraph (c)(2) of this section, your change in enrollment is effective on the first day of the first pay period following the QLE on which the enrollment change is based.

\* \* \* \* \*

[FR Doc. 2010–8944 Filed 4–19–10; 8:45 am]

BILLING CODE 6325–39–P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 929

[Doc. No. AMS–FV–09–0073; FV10–929–1 FR]

### Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Changes to Reporting Dates

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule changes reporting dates prescribed under the marketing

order that regulates the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. The order is administered locally by the Cranberry Marketing Committee (Committee). This rule revises the due dates of handler reports to provide more time for handlers to file their reports with the Committee, and would improve handler compliance with the order's reporting regulations.

**DATES:** *Effective Date:* April 21, 2010.

**FOR FURTHER INFORMATION CONTACT:** Patricia A. Petrella, Marketing Specialist or Kenneth G. Johnson, Regional Manager, DC Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (301) 734–5243, Fax: (301) 734–5275, or E-mail: [Patricia.Petrella@ams.usda.gov](mailto:Patricia.Petrella@ams.usda.gov) or [Kenneth.Johnson@ams.usda.gov](mailto:Kenneth.Johnson@ams.usda.gov).

Small businesses may request information on complying with this regulation by contacting Antoinette Carter, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: [Antoinette.Carter@ams.usda.gov](mailto:Antoinette.Carter@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** This final rule is issued under Marketing Agreement and Order No. 929, both as amended (7 CFR part 929), regulating the handling of cranberries produced in States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, hereinafter referred to as the “order.” The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.”

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law

and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule revises the due dates of handler reports from January 5, May 5, and August 5 of each fiscal period and September 5 of the succeeding fiscal period to January 20, May 20, and August 20 of each fiscal period and September 20 of the succeeding period, respectively. The new reporting dates will provide more time for handlers to file their reports. It has become more difficult for handlers to meet the current filing deadlines due to the demands of growing domestic and international markets and the larger volumes of cranberries handled.

Currently, § 929.62(d) of the order provides that each handler shall, upon request of the Committee, file promptly with the Committee a certified report as to the quantity of cranberries handled during any designated period or periods. Further, § 929.105 provides that certified reports shall be filed with the Committee, on a form provided by the Committee, by each handler not later than January 5, May 5, and August 5 of each fiscal period and by September 5 of the succeeding fiscal period. These reports must show the total quantity of cranberries acquired and the total quantity of cranberries and *Vaccinium oxycoccus* cranberries the handler handled from the beginning of the reporting period indicated through December 31, April 30, July 31, and August 31, respectively. The reports must also show the total quantity of cranberries and *Vaccinium oxycoccus* cranberries as well as cranberry products and *Vaccinium oxycoccus* cranberry products held by the handler on January 1, May 1, August 1, and August 31 of each fiscal period. Information to be submitted to the Committee on the handler reports will not be changed by this action.

The Committee recommended that the order's reporting regulations be changed to allow handlers additional time to submit these reports. Over time, the amount of cranberries being grown and handled has increased, and the greater demands associated with expanding markets have made it increasingly difficult for handlers to gather the

information required for the reports before the filing deadline.

#### Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 80 handlers of cranberries who are subject to regulation under the marketing order and approximately 1,200 cranberry growers in the regulated area. Small agricultural service firms are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than \$7,000,000, and small agricultural producers are defined as those having annual receipts of less than \$750,000. Based on information maintained by the Committee, the majority of growers and handlers of cranberries under the order would be considered small entities under SBA's standards.

Under the order, handlers are required to submit acquisition, handling, and inventory reports to the Committee four times per year. Such information is used by the Committee in the administration of the order. The currently prescribed due dates follow the end of each respective reporting period by five days. Handlers indicated that it has become difficult to comply with the current reporting deadlines because five days is not enough time to compile the information required for the reports.

This rule revises the due dates of mandatory handler reports from January 5, May 5, and August 5 of each fiscal period; and September 5 of the succeeding fiscal period to January 20, May 20, and August 20 of each fiscal period; and September 20 of the succeeding period, respectively. The new reporting dates will provide more time for handlers to file their reports.

At its August 21, 2009, meeting, the Committee discussed whether the current due dates needed to be changed to allow more time for handlers to comply with the reporting requirements.

The Committee staff indicated that compliance with the order's reporting requirements will improve if handlers were given additional time to file the reports.

The Committee discussed alternatives to this change, including not making the change at all. However, the Committee believes that this change is necessary to ensure that handlers have adequate time to comply with the order's requirements.

This rule is not expected to have any economic impact on growers or handlers of any size. The benefits of this rule are not expected to be disproportionately greater or less for small handlers or growers than for larger entities.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large cranberry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

In addition, the Committee's meeting was widely publicized throughout the cranberry industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the August 21, 2009, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons were invited to submit comments on this proposal, including the regulatory and informational impacts of this action on small businesses.

A proposed rule concerning this action was published in the **Federal Register** on February 5, 2010 (75 FR 5898). Copies of the rule were mailed or sent facsimile to all Committee members and cranberry handlers. The rule was made available through the Internet by USDA and the Office of the Federal Register. A 30-day comment period ending March 8, 2010, was provided to allow interested persons to respond to the proposal. One comment was received in support of the proposal from Ocean Spray Cranberries, Inc.

A small business guide on complying with fruit, vegetable, and specialty crop

marketing agreements and orders may be viewed at: <http://www.ams.usda.gov>. Any questions about the compliance guide should be sent to Antoinette Carter at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matters presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because the next reporting period ends on May 20 and the Committee needs to inform all handlers of this change to the reporting time. Therefore, this rule should be implemented as soon as possible. Further, handlers were made aware of this change which was recommended at a public meeting. Also, a 30-day comment period was provided for in the proposed rule.

#### List of Subjects in 7 CFR Part 929

Marketing agreements, Reporting and recordkeeping requirements, Cranberries.

■ For the reasons set forth in the preamble, 7 CFR part 929 is amended as follows:

#### **PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK**

■ 1. The authority citation for 7 CFR part 929 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Amend § 929.105 by revising the introductory text of paragraph (b) to read as follows:

#### **§ 929.105 Reporting.**

\* \* \* \* \*

(b) Certified reports shall be filed with the committee, on a form provided by the committee, by each handler not later than January 20, May 20, and August 20 of each fiscal period and by September 20 of the succeeding fiscal period showing:

\* \* \* \* \*

Dated: April 7, 2010.

**David R. Shipman**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2010–8273 Filed 4–19–10; 8:45 am]

**BILLING CODE 3410–02–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 23**

**[Docket No. CE305; Special Conditions No. 23–245–SC]**

#### **Special Conditions: Cirrus Design Corporation, Model SF50; Fire Extinguishing for Upper Aft Fuselage Mounted Engine**

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

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Cirrus Design Corporation, model SF50 airplane. This single turbofan engine airplane will have a novel or unusual design feature(s) associated with mounting the engine in the aft fuselage. 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 April 12, 2010.

We must receive your comments by May 20, 2010.

**ADDRESSES:** Mail two copies of your comments to: Federal Aviation Administration, Regional Counsel, ACE–7, Attn: Rules Docket No. CE305, 901 Locust, Kansas City, MO 64106.

You may deliver two copies to the Regional Counsel at the above address. Mark your comments: Docket No.

CE305. You may inspect comments in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

#### **FOR FURTHER INFORMATION CONTACT:**

Leslie B. Taylor, Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, 901 Locust, Room 301, Kansas City, MO 64106; telephone (816) 329–4134; facsimile (816) 329–4090, email [leslie.b.taylor@faa.gov](mailto:leslie.b.taylor@faa.gov).

**SUPPLEMENTARY INFORMATION:** The FAA has determined that notice and

opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the design approval 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.

#### **Comments Invited**

We invite interested persons to submit such written data, views, or arguments as they desire. 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 about these special conditions. You may inspect the docket 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 the preamble between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive by 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 based on the comments we receive.

If you want us to let you know we received your comments on these special conditions, send us 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 September 9, 2008, Cirrus Design Corporation applied for a type certificate for their new model SF50. The model SF50 is a 7 seat (5 adults and 2 children), pressurized, retractable gear, carbon composite, airplane with one turbofan engine mounted partially in the upper aft fuselage.

The single turbofan engine is mounted on the upper aft fuselage, not in the pilot's line of site. Upper aft fuselage mounted engine installations, along with the need to protect such installed engines from fires, were not envisioned in the development of the part 23 normal category regulations.