

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### 7 CFR Part 633

[Docket No. NRCS-2014-0017]

RIN 0578-AA16

#### Water Bank Program

**AGENCY:** Natural Resources Conservation Service, Department of Agriculture.

**ACTION:** Final rule.

**SUMMARY:** The Natural Resources Conservation Service (NRCS) is amending the Water Bank Program (WBP) regulations to clarify that lands owned by Indian Tribes are eligible for enrollment. As a non-controversial change to an existing regulation, NRCS is issuing this amendment as a final rule.

**DATES:** This rule is effective June 9, 2015.

**FOR FURTHER INFORMATION CONTACT:**

Mark Rose, Financial Assistance Programs Division, NRCS, Post Office Box 2890, Washington, DC 20113; telephone: (202) 720-1844; email: [Mark.Rose@wdc.usda.gov](mailto:Mark.Rose@wdc.usda.gov).

**SUPPLEMENTARY INFORMATION:**

*Discussion:* NRCS implements WBP in accordance with 16 U.S.C. 1301 *et seq.* (the Water Bank Act). The purpose of the program is to conserve water, preserve and improve the condition of migratory waterfowl habitat and other wildlife resources, and secure other wildlife benefits through 10-year land use agreements with landowners and operators in important migratory waterfowl nesting and breeding areas. Unlike other Federal wetland laws, the Water Bank Act defines wetlands in accordance with Department of the Interior Circular 39, "Wetlands of the

United States." WBP agreements encompass inland fresh wetland areas (types 1 through 7) as described in Circular 39, artificially developed inland fresh water areas that meet the description of inland fresh wetland areas (types 1 through 7), and other wetland types designated by the Secretary.

Pursuant to 7 U.S.C. 6962(b)(1), NRCS assumed responsibility for administering WBP and promulgated in September 1997 the current regulations at 7 CFR part 633 for implementation of WBP under NRCS. The current WBP regulation limits enrollment to "privately-owned" wetlands only. However, the term "privately-owned" is not defined in the regulation and such limitation is not required by statute.

Since Tribal lands are a distinct category of land, NRCS is revising its regulations to clarify that "privately-owned" wetlands include lands owned by Indian Tribes, and are therefore eligible for enrollment. NRCS believes that issuance of a final rule without a public comment period is appropriate because this is a non-controversial change to an existing regulation to remove a current impediment to providing assistance to Indian Tribes and their members.

Tribal lands are an important component of the wetland landscape in States where NRCS currently offers enrollment (Minnesota, North Dakota, and South Dakota). Therefore, to ensure WBP is meeting its program purposes, consistent with statute, NRCS is revising the regulation to identify Tribal lands as eligible for enrollment.

#### Regulatory Certifications

*Executive Order 12866:* This document does not meet the criteria for a significant regulatory action as specified in Executive Order 12866.

*Regulatory Flexibility Act:* It has been determined that the Regulatory Flexibility Act is not applicable to this rule because NRCS is not required by 5 U.S.C. 553, or any other provision of law, to publish a notice of proposed rule-making with respect to the subject matter of this rule.

*Paperwork Reduction Act:* No substantive changes have been made in this final rule which affect the recordkeeping requirements and estimated burdens previously reviewed and approved under Office of

Management and Budget control number 0578-0013.

*Executive Order 13175:* NRCS has determined that this action will remove an impediment to providing WBP assistance to Indian Tribes. Given its modest funding, NRCS has determined this regulation will not have a significant direct effect on one or more Indian Tribes, or on either the relationship or distribution of powers and responsibilities between the Federal Government and the Indian Tribes. Therefore, this action is not subject to the requirements of Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments." Although the consultation requirements do not apply, the agency has developed an outreach and collaboration plan that it will implement as it develops its conservation program policy, and NRCS will incorporate WBP information where appropriate.

*Executive Order 13132:* Executive Order 13132 requires agencies to conform to principles of Federalism in the development of its policies and regulations. NRCS has determined that this final rule will conform to Federalism principles. In particular, the final rule will not impose any compliance cost on the States; and will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities on the various levels of government.

*Unfunded Mandates Reform Act of 1995:* Pursuant to 2 U.S.C. 1532 (Title II, Sec. 202 of the Unfunded Mandates Reform Act of 1995), NRCS assessed the effects of this rulemaking action on State, local, and Tribal governments, and the public. This action does not compel the expenditure of \$100 million or more by any State, local or Tribal governments, or anyone in the private sector, and therefore, a statement under 2 U.S.C. 1532 is not required.

*Federal Domestic Assistance Program:* The title and number of the Federal Domestic Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies is Water Bank Program 10.062.

#### List of Subjects in 7 CFR Part 633

Administrative practices and procedures, Contracts, Natural resources, Technical assistance, Wetlands.

Accordingly, 7 CFR part 633 is amended as follows:

### PART 633—WATER BANK PROGRAM

■ 1. The authority citation for part 633 continues to read as follows:

**Authority:** 16 U.S.C. 1301–1311.

■ 2. Section 633.2 is amended by revising the definition for “Person” and adding a definition in alphabetical order for “Privately-owned” to read as follows:

#### § 633.2 Definitions.

\* \* \* \* \*

*Person* means one or more individuals, partnerships, associations, corporations, estates or trusts, or other business enterprises or other legal entities and, whenever applicable, an Indian tribe, a State, a political subdivision of a State, or any agency thereof.

\* \* \* \* \*

*Privately-owned* means owned or operated by a person other than a State, a political subdivision of a State, or any agency thereof.

\* \* \* \* \*

■ 3. Section 633.4 is amended by revising paragraph (d)(2) to read as follows:

#### § 633.4 Program requirements.

\* \* \* \* \*

(d) \* \* \*

(2) Lands owned by an agency of the United States other than land held in trust for Indian Tribes;

\* \* \* \* \*

Signed this 29 day of May, 2015 in Washington, DC

**Jason A. Weller,**

*Chief, Natural Resources Conservation Service.*

[FR Doc. 2015–13992 Filed 6–8–15; 8:45 am]

**BILLING CODE 3410–16–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 33

[Docket No. FAA–2014–0637; Special Conditions No. 33–015–SC]

### Special Conditions: CFM International, LEAP–1A and –1C Engine Models; Incorporation of Woven Composite Fan Blades

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

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the CFM International (CFM), LEAP–1A and –1C engine models.

These engine models will have a novel or unusual design feature associated with the engine fan blades—new woven composite fan blades. 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 July 9, 2015.

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this action, contact Alan Strom, ANE–111, Engine and Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (781) 238–7143; facsimile (781) 238–7199; email [alan.strom@faa.gov](mailto:alan.strom@faa.gov).

For legal questions concerning this action, contact Vincent Bennett, ANE–7, Engine and Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (781) 238–7044; facsimile (781) 238–7055; email [vincent.bennett@faa.gov](mailto:vincent.bennett@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 27, 2012, CFM International (CFM) applied for a type certificate for their new LEAP–1A and –1C engine models. The LEAP engine models are high-bypass-ratio engines that incorporate a novel and unusual design feature—new woven composite fan blades. The woven composite fan blades will have significant differences in material property characteristics when compared to conventionally designed fan blades using non-composite metallic materials.

Special conditions are required to ensure that the LEAP–1A and –1C woven composite design fan blades account for the differences in material properties and failure modes relative to conventional single-load path metallic blades. In addition, different containment requirements may be applied provided CFM shows that the blade design below the inner annulus flow path line provides multiple load paths and crack arresting features that prevent delamination or crack propagation to blade failure during the life of the blade.

These special conditions are necessary because the applicable airworthiness regulations do not contain adequate or appropriate safety standards

for the new woven composite design fan blades.

##### Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, CFM must show that the LEAP–1A and –1C engine models meet the applicable provisions of the applicable regulations in effect on the date of application, except as detailed in paragraphs 21.101(b) and (c). The FAA has determined the following certification basis for the LEAP–1A and –1C engine models:

1. 14 CFR part 33, “Airworthiness Standards: Aircraft Engines,” dated February 1, 1965, with Amendments 33–1 through 33–32, dated September 20, 2012.

If the FAA finds that the regulations in effect on the date of the application for the change do not provide adequate or appropriate safety standards for the LEAP–1A and –1C engine models 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 engine model for which they are issued. Should the type certificate for that engine model be amended later to include any other engine model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other engine model under § 21.101.

In addition to complying with the applicable product airworthiness regulations and special conditions, the LEAP–1A and –1C engine models must comply with the fuel venting and exhaust emission requirements of 14 CFR part 34.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

##### Novel or Unusual Design Features

The LEAP–1A and –1C engine models will incorporate the following novel or unusual design feature:

The LEAP–1A and –1C engine models will incorporate woven composite fan blades. The woven composite fan blades will have significant differences in material property characteristics when compared to conventionally designed fan blades using non-composite metallic materials. Composite material design provides the capability to incorporate multiple load paths and crack arresting features that prevent delamination or crack propagation to blade failure during the life of the blade.