

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

#### 7 CFR Part 800

RIN 0580-AB00

#### USDA's Role in Differentiating Grain Inputs for Ethanol Production and Standardizing Testing of Co-Products of Ethanol Production

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Withdrawal of advance notice of proposed rulemaking.

**SUMMARY:** The Grain Inspection, Packers and Stockyards Administration (GIPSA) published an advance notice of proposed rulemaking (ANPR) in the **Federal Register** on July 20, 2007 (72 FR 39762), inviting comments from interested persons regarding the appropriate government role in differentiating grain attributes for ethanol conversion, as well as standardizing the testing of co-products of ethanol production. The original notice provided an opportunity for interested parties to comment until September 18, 2007. In response to a request from the grain industry, on October 5, 2007 (72 FR 56945), we reopened the comment period until December 4, 2007, to provide interested parties with additional time in which to comment. The commenters overwhelmingly agreed that GIPSA should not intervene in standardizing testing of ethanol inputs and outputs. Accordingly, we will not initiate any rulemaking action at this time related to the matters presented in the ANPR.

**FOR FURTHER INFORMATION CONTACT:** Ross D. Heiman at USDA, GIPSA, FGIS, Market and Program Analysis Staff, Beacon Facility, STOP 1404, P.O. Box 419205, Kansas City, Missouri 64141; Telephone (816) 823-2580; Fax Number (816) 823-4644; e-mail [Ross.D.Heiman@usda.gov](mailto:Ross.D.Heiman@usda.gov).

**SUPPLEMENTARY INFORMATION:** We published an ANPR in the **Federal**

**Register** on July 20, 2007, inviting comments from interested persons regarding the appropriate government role in differentiating grain attributes for ethanol conversion, as well as standardizing the testing of co-products of ethanol production. The initial comment period closed on September 18, 2007, but due to a request from the National Grain and Feed Association, the closing date for comments was extended through December 4, 2007, as published in the **Federal Register**.

We received 29 comments from individuals and organizations across the marketing chain. Overall, respondents do not want GIPSA to assist in the revision of existing definitions for ethanol co-products, establish standards for the co-products, or offer standardized tests for grain going into ethanol production or the resulting co-products, with one exception. Some commenters recommended that GIPSA's expertise in verifying the performance of commercial test kits might be applied to the marketing of the co-products. Commenters presented an overriding theme that the perceived needs of the ethanol industry will be best met by the various industry participants. One final observation was a recurring comment that the ethanol industry is relatively young, and because of this youth, GIPSA involvement (i.e., standardizing testing of ethanol inputs and outputs) may hinder its progress.

In view of the comments received, we will not initiate any rulemaking action related to the matters presented in the ANPR. We will continue to monitor developments and remain actively engaged with the ethanol and co-products markets and will support the industry, as appropriate, in its efforts to successfully market ethanol co-products.

**Authority:** (7 CFR 71-87k).

**Randall D. Jones,**

*Acting Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. E8-24946 Filed 10-20-08; 8:45 am]

**BILLING CODE 3410-KD-P**

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

#### 7 CFR Part 810

RIN 0580-AA96

#### United States Standards for Soybeans

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Withdrawal of advance notice of proposed rulemaking.

**SUMMARY:** On May 1, 2007, the Grain Inspection, Packers and Stockyards Administration (GIPSA) published an advance notice of proposed rulemaking (ANPR) in the **Federal Register** seeking public comment on the effectiveness of the soybean standards. We asked for input on factors used in the current standards and grading procedures, whether changes in soybean processing practices and technology merited changes in the standards, and whether any other changes were needed to ensure that the standards remain relevant to market needs. Because the comments that we received did not indicate a consensus concerning changes to the standards, we will not proceed with rulemaking in this matter.

**FOR FURTHER INFORMATION CONTACT:** Ross D. Heiman at USDA, GIPSA, FGIS, Market and Program Analysis Staff, Suite 180, STOP 1404, 6501 Beacon Drive, Kansas City, Missouri 64133; Telephone (816) 823-2580; Fax Number (816) 823-4644; e-mail [Ross.D.Heiman@usda.gov](mailto:Ross.D.Heiman@usda.gov).

**SUPPLEMENTARY INFORMATION:** GIPSA published an advance notice of proposed rulemaking (ANPR) in the **Federal Register** on May 1, 2007 (72 FR 23775), initiating a review of the United States Standards for Soybeans to determine their effectiveness and responsiveness to current grain industry needs. The original notice provided an opportunity for interested parties to comment until July 2, 2007. In response to a request from the soybean industry, on July 20, 2007 (72 FR 39764), GIPSA reopened the comment period until August 20, 2007, to provide interested parties with additional time in which to comment. We received 17 comments from producers, handlers, international associations and companies, and an academic. The comments that we

received did not indicate a consensus concerning changes to the standards.

The one issue that merits further review is amending grading limits for soybean foreign material (FM). Based on the lack of consensus and, at times, conflicting information provided by some commenters, GIPSA has determined that we need to enhance our understanding of the soybean marketing/processing system and collect additional data about the quality of soybeans. GIPSA will use data from its ongoing 5-year farm-gate assessment before considering further rulemaking related to FM grading limits. The assessment will provide first-point-of-sale data related to soybean FM content and composition across the United States, providing an FM range that can be used to formulate new FM grade limits, if appropriate. Accordingly, we will not proceed with rulemaking in this matter.

**Authority:** (7 U.S.C. 87k).

**Randall D. Jones,**

*Acting Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. E8-24944 Filed 10-20-08; 8:45 am]

**BILLING CODE 3410-KD-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2008-0947; Directorate Identifier 2007-SW-46-AD]

RIN 2120-AA64

#### Airworthiness Directives; Eurocopter France Model EC 155B and EC155B1 Helicopters

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for Eurocopter France (Eurocopter) Model EC 155B and EC155B1 helicopters that would supersede an existing AD. The airworthiness authority of France has issued a mandatory continuing airworthiness information (MCAI) AD that requires a 50 percent reduction in the life of each affected main rotor blade (blade). The MCAI also requires, for each affected blade, initial and repetitive inspections for correct alignment of the tip cap, correct tenon filler wedge (wedge) position, a crack in the tenon, and erosion in a specified zone in the end of the leading edge.

Also, the MCAI requires measuring the vertical clearance between each blade assembly and a straight edge at the blade-to-tip cap junction and replacing any blade that has a cracked tenon. This proposal contains those same requirements as described in the MCAI and requires replacing any blade with a measured vertical clearance exceeding a certain limit. A misalignment, crack, or erosion in a blade could lead to failure of the blade and subsequent loss of control of the helicopter.

**DATES:** We must receive comments on this proposed AD by November 20, 2008.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may get the service information identified in this proposed AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053-4005, telephone (972) 641-3460, fax (972) 641-3527, or at <http://www.eurocopter.com>.

*Examining the AD Docket:* You may examine the AD docket on the Internet at <http://www.regulations.gov>, or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Jim Grigg, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Safety Management Group, Fort Worth, Texas 76193-0112, telephone (817) 222-5126, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:**

#### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the

**ADDRESSES** section. Include "Docket No. FAA-2008-0947; Directorate Identifier 2007-SW-46-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

#### Discussion

On June 1, 2004, we issued AD 2004-12-06, Amendment 39-13665 (69 FR 32857, June 14, 2004). That AD was issued based on MCAI AD F-2003-418 and required inspecting each blade for a crack in the blade tip cap mounting bracket (tenon), measuring the vertical clearance between each blade assembly and a straight edge at the blade-to-tip cap junction, and replacing the blade if a crack is found or if the measured distance is not within certain specifications.

The Direction Generale de L'Aviation Civile (DGAC), which is the aviation authority for France, has issued AD No. F-2004-106, dated July 7, 2004 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified French-certificated helicopters. The MCAI states: "Airworthiness Directive (AD) F-2003-418 was issued following the discovery of a crack in the main rotor blade tip cap attachment tenon. AD F-2003-418 required operators to make sure that there is no crack in the affected zone, and to monitor the blade in operation. Crack growth can lead to the loss of the blade tip cap and make it impossible to control the helicopter."

The DGAC canceled AD F-2003-418 on July 7, 2004, by issuing AD F-2003-418R1 and AD F-2004-106 on the same day. AD F-2004-106 covers the requirements of AD F-2003-418; reduces the service life of each blade from 20,000 flying hours to 10,000 flying hours; renders certain checks and corrective actions mandatory, and refers to Eurocopter Alert Service Bulletin (ASB) No. 62A006, dated May 18, 2004, which superseded Alert Telex No. 05A004, dated November 3, 2003.

You may obtain further information by examining the MCAI and service information in the AD docket.

Since we issued AD 2004-12-06, after further investigations and tests and based on MCAI AD F-2004-106, we have determined that an additional