

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 868

RIN 0580-AA94

United States Standards for Rough Rice, Brown Rice for Processing, and Milled Rice

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

ACTION: Proposed rule.

SUMMARY: We are proposing to revise the U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice, to change the requirement that certain information currently provided on the grade line of official certificates for Mixed rice be moved to the Results section of the inspection certificate. These proposed changes enhance the use of the inspection certificate and, as a result, will help to facilitate the marketing of Mixed rice.

DATES: Comments must be received on or before August 24, 2009.

ADDRESSES: You may submit your written or electronic comments on this notice to:

- *Mail:* Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW., Room 1643-S, Washington, DC 20250-3604.

- *E-Mail comments to:* comments.gipsa@usda.gov.

- *Fax:* (202) 690-2173.

- *Internet:* Go to <http://www.regulations.gov> and follow the on-line instruction for submitting comments.

All comments will become a matter of public record and should be identified as "U.S. Standards for Rice Notice Comments," making reference to the date and page number of this issue of the **Federal Register**. Comments will be available for public inspection at <http://www.regulations.gov> and in the above office during regular business hours (7 CFR 1.27(b)). Please call the GIPSA Management Support Staff at

(202) 720-7486 to make an appointment to read comments received.

FOR FURTHER INFORMATION CONTACT:

Beverly A. Whalen, USDA-GIPSA-FGIS-ODA, Beacon Facility—STOP 1404, P.O. Box 419205, Kansas City, Missouri 64141-6205; Telephone: (816) 823-4648; Fax Number: (816) 823-4644; e-mail: Beverly.A.Whalen@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Agricultural Marketing Act of 1946 (AMA) (7 U.S.C. 1621-1627) directs and authorizes the Secretary of Agriculture to develop and improve standards for agricultural products (7 U.S.C. 1622). These are standards of quality, condition, quantity, grade, and packaging. The standards encourage uniformity and consistency in commercial practices.

The Grain Inspection, Packers and Stockyards Administration (GIPSA) establishes and maintains a variety of quality and grade standards for agricultural commodities. These standards serve as a fundamental starting point to define commodity quality in the domestic and global marketplace. The AMA standards are voluntary and widely used in private contracts, government procurement, marketing communication, and, for some commodities, consumer information. Standards developed by GIPSA under the AMA include rice, whole dry peas, split peas, feed peas, lentils, and beans.

GIPSA inspects shipments of rice in accordance with the standards to establish the grade and issue inspection certificates for each shipment. We provide official procedures for inspections in the Rice Inspection Handbook for determining the various grading factors. In addition to Federal usage, the rice standards are applied by one state and one private cooperator. In 2008 GIPSA performed approximately 37 percent of official rice inspections, with state and private cooperators performing the balance of official inspections. Official rice inspectors issue inspection certificates. The certificates document the grade designation on the grade line of the inspection certificate. The requirements for the grade designation for Rough Rice, Brown Rice for Processing, and Milled Rice categories are included in the regulations in 7 CFR part 868.

The current regulations in 7 CFR Part 868 Subparts C (sections 868.201-213), D (sections 868.251-264), and E (sections 868.301-316) specify U.S. Standards for Rough Rice, Brown Rice for Processing, and Milled Rice, respectively, and include provisions concerning the contents of the grade designation for each category of rice. In the grade designation for each category of rice, there is an additional set of information provided for the class of Mixed rice that specifies the content. Under the current standards, this additional information for Mixed rice is included on the grade line of the inspection certificate.

We propose to move the information on Mixed rice to the Results section of the certificate to enhance the use of the certificate.

Description of Proposed Amendments

The changes we propose would move some required information concerning Mixed rice from the grade line section of the certificate to the Results section of the inspection certificate for Rough Rice, Brown Rice for Processing, and Milled Rice. The additional grade designation information for the class of Mixed rice in each of the three rice categories are not grade determining factors, as specified in the standards. As such, these changes would not change the grade designation requirements. The proposed changes would only change where certain information is reported on the inspection certificate. There is more space in the Results section of the inspection certificate, and thus it is a more appropriate place to report this information. While taking this approach will not change the grade of the product, it will enhance the use of the inspection certificate.

We propose to change the regulations in sections 7 CFR 868.211, 262, and 314 by:

- (1) Revising the section heading wording from "Grade Designation" to read "Grade Designation and Other Certificate Information,"

- (2) Specifying the grade designation requirements for all classes of rice in paragraph (a) of each section,

- (3) Specifying additional information required only for the class of Mixed rice in paragraph (b) of each section,

- (4) Specifying that the additional information for Mixed rice be reported in the Results section of the inspection certificate, and

(5) Converting the note at the end of the section to a new paragraph (c) in each section.

In addition, we propose other minor changes that include clarifying that grade designation information goes on the grade line of the inspection certificate. We also propose to make the format more readable and more consistent with other regulations in this section by converting notes into numbered paragraphs, and by inserting line breaks after each item in numbered lists of items.

Effects on Regulated Entities

We are proposing to amend the regulations to move certain information from the grade line to the Results section of the inspection certificate. This action simplifies the standards for rice and will improve official inspection services by allowing for more efficient use of electronic certification. Interested persons should not be additionally burdened by this proposed amendment. Having more legible inspection certificates, however, should help these persons facilitate the marketing of rice.

Executive Order 12866 and Regulatory Flexibility Act

The Office of Management and Budget designated this rule as not significant for the purposes of Executive Order 12866.

We have determined that these proposed amendments would not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). An initial regulatory flexibility analysis as described in 5 U.S.C. 605 of the Regulatory Flexibility Act is not required or provided here.

The rice industry includes producers [approximately 4,300 farms (USDA–2002 Census of Agriculture)], handlers, processors, and merchandisers, who are the primary users of the rice standards, and use the standards as a common trading language to market rice. In addition, there is one state cooperator and one private cooperator that apply the standards. For North American Industry Classification System (NAICS) code 311212 “rice milling,” the Small Business Administration size standard is \$500,000 in annual revenues. Most users of the official inspection services and those entities that perform these services do not meet the requirement of small entities. Even though some users are small entities, this proposed rule would not adversely affect or burden these users. Under the provisions of the AMA (7 U.S.C. 1621–1627), it is not mandatory for rice to be inspected. We do not expect the proposed changes to

add any additional cost for entities of any size. Further, they would apply equally to all entities.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform, and is not intended to have a retroactive effect. This rule will not preempt any State or local laws, regulations, or policies unless they present irreconcilable conflict with this rule. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule.

Paperwork Reduction Act

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the information collection and recordkeeping requirements in Part 868 have been previously approved by OMB No. 0580–0013.

E-Government Compliance

GIPSA 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.

List of Subjects in 7 CFR Part 868

Administrative practice and procedure, Agricultural commodities, Reporting and recordkeeping requirements, Rice.

For the reasons set out in the preamble, we propose to amend 7 CFR Part 868 as follows:

PART 868—GENERAL REGULATIONS AND STANDARDS FOR CERTAIN AGRICULTURAL COMMODITIES

1. The authority citation for part 868 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

2. Revise § 868.211 to read as follows:

§ 868.211 Grade designation and other certificate information.

(a) *Rough rice*. The grade designation for all classes of Rough rice shall be included on the certificate grade-line in the following order:

- (1) The letters “U.S.”;
- (2) The number of the grade or the words “Sample grade,” as warranted;
- (3) The words “or better,” when applicable and requested by the applicant prior to inspection;
- (4) The class;
- (5) Each applicable special grade (see § 868.213); and
- (6) A statement of the milling yield.

(b) *Mixed Rough rice information*. For the class Mixed Rough rice, the

following information shall be included in the Results section of the certificate in the following order:

- (1) The percentage of whole kernels of each type in the order of predominance;
- (2) The percentage of large broken kernels of each type in the order of predominance;
- (3) The percentage of material removed by the No. 6 sieve or the No. 6 sizing plate; and
- (4) The percentage of seeds, when applicable.

(c) *Large broken kernels*. Large broken kernels, other than long grain, in Mixed Rough rice shall be certified as “medium or short grain.”

(Approved by the Office of Management and Budget under control number 0580–0013)

3. Revise § 868.262 to read as follows:

§ 868.262 Grade designation and other certificate information.

(a) *Brown rice for processing*. The grade designation for all classes of Brown rice for processing shall be included on the certificate grade-line in the following order:

- (1) The letters “U.S.”;
- (2) The number of the grade or the words “Sample grade,” as warranted;
- (3) The words “or better,” when applicable and requested by the applicant prior to inspection;
- (4) The class; and
- (5) Each applicable special grade (see § 868.264).

(b) *Mixed Brown rice for processing information*. For the class Mixed Brown rice for processing, the following information shall be included in the Results section of the certificate in the following order:

- (1) The percentage of whole kernels of each type in the order of predominance;
- (2) The percentage of broken kernels of each type in the order of predominance, when applicable; and
- (3) The percentage of seeds, related material, and unrelated material.

(c) *Broken kernels*. Broken kernels, other than long grain, in Mixed Brown rice for processing shall be certified as “medium or short grain.”

(Approved by the Office of Management and Budget under control number 0580–0013)

4. Revise § 868.314 to read as follows:

§ 868.314 Grade designation and other certificate information.

(a) *Milled rice*. The grade designation for all classes of Milled rice shall be included on the certificate grade-line in the following order:

- (1) The letters “U.S.”;
- (2) The number of the grade or the words “Sample grade,” as warranted;

(3) The words “or better,” when applicable and requested by the applicant prior to inspection;

(4) The class; and

(5) Each applicable special grade (see § 868.316).

(b) *Mixed Milled rice information.* For the class Mixed Milled rice, the following information shall be included in the Results section of the certificate in the following order:

(1) The percentage of whole kernels of each type in the order of predominance;

(2) The percentage of broken kernels of each type in the order of predominance, when applicable; and

(3) The percentage of seeds and foreign material.

(c) *Broken kernels.* Broken kernels, other than long grain, in Mixed Milled rice shall be certified as “medium or short grain.”

(Approved by the Office of Management and Budget under control number 0580-0013)

J. Dudley Butler,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. E9-14846 Filed 6-23-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-0246; Directorate Identifier 2009-NE-04-AD]

RIN 2120-AA64

Airworthiness Directives; Rolls-Royce Corporation AE 3007A1/1, AE 3007A1/3, AE 3007A1, AE 3007A1E, AE 3007A1P, AE 3007A3, AE 3007C, and AE 3007C1 Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Rolls-Royce Corporation (RRC) AE 3007A1/1, AE 3007A1/3, AE 3007A1, AE 3007A1E, AE 3007A1P, AE 3007A3, AE 3007C, and AE 3007C1 turbofan engines with a fan spinner part number (P/N) 23070964 or P/N 23078783, installed. This proposed AD would require replacement of the fan spinner. This proposed AD results from a report of a fan spinner releasing from an AE 3007A turbofan engine, during flight. We are proposing this AD to prevent the fan spinner from releasing, which could result in injury, damage to the engine, and damage to the airplane.

DATES: We must receive any comments on this proposed AD by August 24, 2009.

ADDRESSES: Use one of the following addresses to comment on this proposed AD.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* (202) 493-2251.

Contact Rolls-Royce Corporation, P.O. Box 420, Indianapolis, IN 46206; telephone (317) 230-3774; fax (317) 230-8084; e-mail:

indy.pubs.services@rolls-royce.com, for a copy of the service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT:

Michael Downs, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Des Plaines, IL 60018; e-mail: michael.downs@faa.gov; telephone: (847) 294-7870; fax: (847) 294-7834.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send us any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2009-0246; Directorate Identifier 2009-NE-04-AD” in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of 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 with FAA personnel concerning this proposed AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT’s complete

Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

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 regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

Discussion

We received a report of a fan spinner releasing from an AE 3007A turbofan engine, during flight. After observing noise and vibration, the flight crew shut down the No. 1 engine and made an uneventful landing. Inspection of the No. 1 engine revealed a missing fan spinner and damage to the fan blades. Also noted was debris penetration through the forward engine cowl in three locations, and through the airplane outer skin in two locations. At the time of inspection, the No. 1 engine had accumulated 11,682 operating hours time-since-new, and 8,535 cycles-in-service-since-new. RRC then performed spin pit testing of the affected design fan spinner, and found a high stress concentration in the 12 bolt hole windows of the fan spinner. This stress concentration can potentially develop into low-cycle-fatigue cracks. This condition, if not corrected, could result in the fan spinner releasing, which could result in injury, damage to the engine, and damage to the airplane.

FAA’s Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other products of this same type design. We are proposing this AD, which would require replacement of the fan spinner, P/N 23070964 or P/N 23078783.

Costs of Compliance

We estimate that this proposed AD would affect 1,600 RRC AE 3007A series and AE 3007C series turbofan engines installed on airplanes of U.S. registry. We also estimate that it would take about one work-hour per engine to perform the proposed actions, and that the average labor rate is \$80 per work-