

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### National Institute of Food and Agriculture

#### 7 CFR Part 3430

RIN 0524-AA67

#### Agriculture and Food Research Initiative Competitive Federal Grants Program—General Administration Provisions

**AGENCY:** National Institute of Food and Agriculture, USDA.

**ACTION:** Final rule with request for comments.

**SUMMARY:** The National Institute of Food and Agriculture (NIFA) is publishing as a final rule a revision to the general administrative guidelines applicable to the Agriculture and Food Research Initiative (AFRI) competitive grant program. The purpose of this final rule is to implement the Agriculture and Food Research Initiative commodity board provision added by section 7404 of the Agricultural Act of 2014 making it necessary to modify the AFRI regulations.

**DATES:** This final rule becomes effective on August 26, 2016. NIFA is requesting comments for 30 days until September 26, 2016.

**ADDRESSES:** You may submit comments, identified by Agriculture and Food Research Initiative Competitive Federal Grants Program—General Administration Provisions, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Email:* [commodityboards@nifa.usda.gov](mailto:commodityboards@nifa.usda.gov). Include Agriculture and Food Research Initiative Competitive Federal Grants Program—General Administration Provisions in the subject line of the message.

*Instructions:* All comments received must include the agency name and reference to Agriculture and Food Research Initiative Competitive Federal Grants Program—General Administration Provisions. All comments received will be posted to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Maria Koszalka, Division Director, Policy and Oversight Division, Phone: 202-401-4325, Email: [maria.koszalka@nifa.usda.gov](mailto:maria.koszalka@nifa.usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background and Summary

###### Authority

This rulemaking is authorized by section 2(b) of the Competitive, Special, and Faculties Research Grant Act 7 U.S.C. 450i(b).

###### Organization of 7 CFR Part 3430

A primary function of NIFA is the fair, effective, and efficient administration of Federal assistance programs implementing agricultural research, education, and extension programs. The awards made under the above authority are subject to the NIFA assistance regulations at 7 CFR part 3430, Competitive and Noncompetitive Non-formula Federal Assistance Programs—General Award Administrative Provisions. NIFA's development and publication of this regulation for its non-formula Federal assistance programs enhances its accountability and standardizes procedures across the Federal assistance programs it administers while providing transparency to the public. NIFA published 7 CFR part 3430 with subparts A through F as a final rule on September 4, 2009 [74 FR 45736–45752]. These regulations apply to all Federal assistance programs administered by NIFA except for the formula grant programs identified in 7 CFR 3430.1(f), the Small Business Innovation Research programs with implementing regulations at 7 CFR part 3403, and the Veterinary Medicine Loan Repayment Program (VMLRP), with implementing regulations at 7 CFR part 3431.

NIFA organized the regulation as follows: Subparts A through E provide administrative provisions for all competitive and noncompetitive non-formula Federal assistance programs.

Subparts F and thereafter apply to specific NIFA programs.

NIFA is, to the extent practical, using the following subpart template for each program authority: (1) Applicability of regulations, (2) purpose, (3) definitions (those in addition to or different from § 3430.2), (4) eligibility, (5) project types and priorities, (6) funding restrictions, (7) matching requirements, and (8) duration of grant. Subparts F and thereafter contain the above seven components in this order. Additional sections may be added for a specific program if there are additional requirements or a need for additional rules for the program (e.g., additional reporting requirements).

Through this rulemaking, NIFA is making minor additions to Subpart G—Agriculture and Food Research Initiative (AFRI) in order to implement the AFRI commodity board provision from section 7404 of the Agricultural Act of 2014 (Pub. L. 113-79).

##### Subpart G of 7 CFR 3430

Subpart G contains the administrative provisions for the Agriculture and Food Research Initiative (AFRI). The purpose of AFRI is to make competitive grants for fundamental and applied research, extension, and education to address food and agricultural sciences, as defined under section 1404 of the National Agriculture Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3103).

## II. Revisions Included in the Final Rule

### Subpart G

Section 7404 of the Agricultural Act of 2014 amended the general administration, special considerations, and eligible entities subsections for the Agriculture and Food Research Initiative (AFRI) program, and added a special contributions requirement making it necessary to modify the program's administrative provisions.

With this rule, NIFA makes clear that it will solicit funding ideas under this subpart from statutorily defined national and state commodity boards for research topics that the commodity boards are willing to co-fund equally with NIFA under the AFRI competitive grant program. If the ideas are evaluated and found to be consistent with the AFRI statutory priorities and priorities noted in the President's budget request related to NIFA, the topics will be

incorporated in existing program areas in the relevant AFRI Request for Applications (RFA(s)). Researchers wishing to submit a proposal on a topic suggested by a commodity board will be required to obtain a letter of support from the co-funding commodity board. The applications submitted in response to a commodity board co-funded topic will compete against all proposals submitted in the same RFA program area. Supported applications will receive no preference regarding the evaluation of their scientific merit. Letters of commodity board support will be used by NIFA solely to determine that the application fits within the commodity board co-funded topic and the commodity board is willing to co-fund that application, if it is evaluated by the review panel as being meritorious and recommended for award.

### III. Administrative Requirements for the Rulemaking

*While the Administrative Procedure Act (APA), 5 U.S.C. 553(a)(2), specifically exempts rules that involve public property, loans, grants, benefits, or contracts from notice-and-comment requirements, NIFA is issuing this rule as final with request for comments. Accordingly, NIFA is allowing 30 days for the submission of comments.*

If upon consideration of the comments received in response to this notice NIFA decides to amend the AFRI final rule, NIFA will issue a subsequent final rule that includes an explanation of any changes made in response to the comments.

#### *Executive Order 12866 and Executive Order 13563*

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant.

#### *Regulatory Flexibility Act of 1980*

This final rule has been reviewed in accordance with the Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, (5 U.S.C. 601–612). The Director certifies that this final regulation will not have

a significant economic impact on a substantial number of small entities. This final regulation will affect institutions of higher education receiving Federal funds under this program. The U.S. Small Business Administration Size Standards define institutions as “small entities” if they are for-profit or nonprofit institutions with total annual revenue below \$5,000,000 or if they are institutions controlled by governmental entities with populations below 50,000. The rule does not involve regulatory and informational requirements regarding businesses, organizations, and governmental jurisdictions subject to regulation.

#### *Paperwork Reduction Act (PRA)*

The Department certifies that this final rule has been assessed in accordance with the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* (PRA). The Department concludes that this final rule does not impose any new information requirements or increase the burden hours. In addition to the SF–424 form families (*i.e.*, Research and Related and Mandatory) and the SF–425 Federal Financial Report (FFR) No. 0348–0061, NIFA has three currently approved OMB information collections associated with this rulemaking: OMB Information Collection No. 0524–0042, NIFA REEport; No. 0524–0041, NIFA Application Review Process; and No. 0524–0026, Organizational Information.

#### *Catalog of Federal Domestic Assistance*

This final regulation applies to the following Federal financial assistance programs administered by NIFA including CFDA No. 10.310, Agriculture and Food Research Initiative (AFRI).

#### *Unfunded Mandates Reform Act of 1995 and Executive Order 13132*

The Department has reviewed this final rule in accordance with the requirements of Executive Order No. 13132 and the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*, and has found no potential or substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. As there is no Federal mandate contained herein that could result in increased expenditures by State, local, or tribal governments, or by the private sector, the Department has not prepared a budgetary impact statement.

#### *Clarity of This Regulation*

Executive Order 12866 and the President’s Memorandum of June 1, 1998, require each agency to write all rules in plain language. The Department invites comments on how to make this final rule easier to understand.

#### **List of Subjects in 7 CFR Part 3430**

Administrative practice and procedure, Agricultural research, Education, Extension, Federal assistance.

Accordingly, the Department of Agriculture, National Institute of Food and Agriculture, adopts the final rule amending 7 CFR part 3430 which was published at 75 FR 54759 on September 9, 2010, and amends 7 CFR part 3430 as set forth below:

#### **PART 3430—COMPETITIVE AND NONCOMPETITIVE NON-FORMULA FEDERAL ASSISTANCE PROGRAMS—GENERAL AWARD ADMINISTRATIVE PROVISIONS**

■ 1. The authority citation for part 3430 continues to read as follows:

**Authority:** 7 U.S.C. 3316; Pub. L. 106–107 (31 U.S.C. 6101 note).

#### **Subpart G—Agriculture and Food Research Initiative**

■ 2. Add § 3430.313 to read as follows:

#### **§ 3430.313 Inclusion of research topics proposed by national and state commodity boards in request for applications.**

NIFA will solicit funding ideas under this subpart from statutorily defined national and state commodity boards for research topics that the commodity boards are willing to co-fund equally with NIFA under the AFRI competitive grant program. If the ideas are evaluated and found to be consistent with the AFRI statutory priorities and priorities noted in the President’s budget request related to NIFA, the topics will be incorporated in existing program areas in the relevant AFRI Request for Applications (RFA(s)). Researchers wishing to submit a proposal on a topic suggested by a commodity board will be required to obtain a letter of support from the co-funding commodity board. The applications submitted in response to a commodity board co-funded topic will compete against all proposals submitted in the same RFA program area. Supported applications will receive no preference regarding the evaluation of their scientific merit. Letters of commodity board support will be used by NIFA solely to determine that the application fits within the commodity board co-funded topic and

the commodity board is willing to co-fund that application, if it is evaluated by the review panel as being meritorious and recommended for award.

Done at Washington, DC, this 29 day of July, 2016.

**Robert E. Holland,**

*Associate Director for Operations, National Institute of Food and Agriculture.*

[FR Doc. 2016-18422 Filed 8-25-16; 8:45 am]

BILLING CODE 3410-22-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2016-7026; Directorate Identifier 2016-CE-016-AD; Amendment 39-18620; AD 2016-17-07]

RIN 2120-AA64

#### Airworthiness Directives; PILATUS Aircraft Ltd. Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for PILATUS Aircraft Ltd. Model PC-7 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as stress corrosion cracking on the main frame on frame 11 left and right fittings. We are issuing this AD to require actions to address the unsafe condition on these products.

**DATES:** This AD is effective September 30, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of September 30, 2016.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-7026; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact PILATUS Aircraft Ltd., Customer Technical Support (MCC), P.O. Box 992, CH-6371 Stans, Switzerland; phone: +41 (0)41 619 67

74; fax: +41 (0)41 619 67 73; email: [techsupport@pilatus-aircraft.com](mailto:techsupport@pilatus-aircraft.com); Internet: <http://www.pilatus-aircraft.com>. You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148. It is also available on the Internet at <http://www.regulations.gov> by searching for Docket No. FAA-2016-7026.

#### FOR FURTHER INFORMATION CONTACT:

Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; fax: (816) 329-4090; email: [doug.rudolph@faa.gov](mailto:doug.rudolph@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to PILATUS Aircraft Ltd. Model PC-7 airplanes. The NPRM was published in the **Federal Register** on June 9, 2016 (81 FR 37166). The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states:

This Airworthiness Directive (AD) is prompted due to a report of Stress Corrosion Cracking (SCC) on the Main Frame on Frame (FR) 11 left fitting Part Number (P/N) 112.35.07.489 and right fitting P/N 112.35.07.490.

Such a condition, if left uncorrected, could lead to potential loss of the horizontal stabilizer.

In order to correct and control the situation, this AD requires a one-time check to identify the material specification and inspect the affected areas of the airframe that are made of aluminum alloy AA2024-T351. Any structural parts of the aircraft structure found to be cracked must be reported to Pilatus prior to further flight.

The MCAI can be found in the AD docket on the Internet at: <https://www.regulations.gov/document?D=FAA-2016-7026-0002>.

##### Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (81 FR 37166, June 9, 2016) or on the determination of the cost to the public.

##### Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting the AD

as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (81 FR 37166, June 9, 2016) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (81 FR 37166, June 9, 2016).

#### Related Service Information Under 14 CFR Part 51

We reviewed PILATUS Aircraft Ltd. PC-7 Service Bulletin No: 53-013; and PILATUS Aircraft Ltd. PC-7 Service Bulletin No: 53-014, both dated February 25, 2016. PILATUS Aircraft Ltd. PC-7 Service Bulletin No: 53-013, dated February 25, 2016, describes procedures for initial and repetitive inspection of the main frame FR11 left and right fittings for stress corrosion cracking; and PILATUS Aircraft Ltd. PC-7 Service Bulletin No: 53-014, dated February 25, 2016, describes procedures for replacement of the main frame FR11 left and right fittings when necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of the AD.

#### Costs of Compliance

We estimate that this AD will affect 19 products of U.S. registry. We also estimate that it would take about 3 work-hours per product to check the material specification of the fittings and 11 work-hours per product to inspect the 2014-T351 fittings as required in order to comply with the basic requirements of this AD. The average labor rate is \$85 per work-hour.

Based on these figures, we estimate the cost of this AD on U.S. operators to be \$17,765, or \$935 per product.

In addition, we estimate that any necessary follow-on actions would take about 19 work-hours and require parts costing \$5,000 for a cost of \$6,615 per product. We have no way of determining the number of products that may need these actions.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of