

# Proposed Rules

Federal Register

Vol. 86, No. 195

Wednesday, October 13, 2021

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

### Agricultural Marketing Service

#### 7 CFR Part 984

[Doc. No. AMS–SC–21–0067; SC20–984–3 CR]

#### Walnuts Grown in California; Continuance Referendum

**AGENCY:** Agricultural Marketing Service, Department of Agriculture (USDA).

**ACTION:** Referendum order.

**SUMMARY:** This document directs that a referendum be conducted among eligible California walnut growers to determine whether they favor continuance of the marketing order regulating the handling of walnuts grown in California.

**DATES:** The referendum will be conducted from December 6 through December 31, 2021. To vote in this referendum, growers must have produced walnuts in California during the period September 1, 2020, through August 31, 2021.

**ADDRESSES:** Copies of the marketing order may be obtained from the office of the referendum agents at 1220 SW 3rd Avenue, Suite 305, Portland, OR 97204; Telephone: (503) 326–2724; or the Office of the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491; or on the internet at <https://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Joshua R. Wilde or Gary D. Olson, Northwest Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1220 SW 3rd Avenue, Suite 305, Portland, OR 97204; Telephone: (503) 326–2724, or Email: [Joshua.R.Wilde@usda.gov](mailto:Joshua.R.Wilde@usda.gov) or [GaryD.Olson@usda.gov](mailto:GaryD.Olson@usda.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to Marketing Agreement and Order No. 984, as amended (7 CFR part 984),

hereinafter referred to as the “Order,” and applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act,” it is hereby directed that a referendum be conducted to ascertain whether continuance of the Order is favored by the growers. The referendum shall be conducted from December 6 to December 31, 2021, among eligible California walnut growers. Only growers that were engaged in the production of walnuts in California during the period September 1, 2020, through August 31, 2021, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether growers favor continuation of marketing order programs. The Order will continue in effect if at least two-thirds of growers voting in the referendum, or growers of at least two-thirds of the volume of California walnuts represented in the referendum, favor continuance. In evaluating merits of continuance versus termination, USDA will not exclusively consider results of the continuance referendum. USDA will also consider all other relevant information concerning the operation of the Order and relative benefits and disadvantages to growers, handlers, and consumers in order to determine whether continued operation of the Order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballots used in the referendum have been approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0178—Vegetable and Specialty Crops. It has been estimated that it will take an average of 20 minutes for each of the approximately 4,400 growers of California walnuts to cast a ballot. Participation is voluntary. Ballots postmarked after December 31, 2021, will not be included in the vote tabulation.

Joshua R. Wilde and Gary D. Olson of the Northwest Marketing Field Office, Specialty Crops Program, Agricultural Marketing Service (AMS), USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the “Procedure for the Conduct of

Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended” (7 CFR 900.400 through 900.407).

Ballots will be mailed to all growers of record and may also be obtained from the referendum agents or from their appointees.

#### List of Subjects in 7 CFR Part 984

Marketing agreements, Nuts, Reporting and recordkeeping requirements, Walnuts.

**Authority:** 7 U.S.C. 601–674.

**Erin Morris,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2021–22312 Filed 10–12–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2021–0788; Project Identifier AD–2021–00489–T]

RIN 2120–AA64

#### Airworthiness Directives; The Boeing Company Airplanes

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–700, –800, and –900ER series airplanes. This proposed AD was prompted by reports of incorrectly installed fuselage skin fasteners. This proposed AD would require a detailed inspection of a certain body station bulkhead, between certain stringers, for any incorrectly installed fastener common to fuselage skin, and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by November 29, 2021.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR

11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal*: Go to <https://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*: Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0788.

#### Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0788; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** Lu Lu, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3525; email: [lu.lu@faa.gov](mailto:lu.lu@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2021-0788; Project Identifier AD-2021-00489-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

#### Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Lu Lu, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3525; email: [lu.lu@faa.gov](mailto:lu.lu@faa.gov). Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

#### Background

The FAA has received a report indicating incorrectly installed fasteners were found at the station (STA) 727 bulkhead between stringers S-22 and S-27. The fasteners, installed with a gap under the fastener head, were found at the STA 727 bulkhead common to fuselage skin, including the S-23 skin lap splice. Incorrectly installed fasteners are suspected to exist on airplanes delivered within a certain time period. The FAA has confirmed that the fastener installation procedures were corrected on airplanes subsequently delivered. This condition was the result of incorrect procedures used to install affected fasteners during airplane production, which could result in incorrectly installed fasteners going undetected. Continuous operation of the airplane with incorrectly installed fasteners may generate fatigue cracking that could adversely affect the structural integrity of the airplane. Gaps under fastener heads will result in bending

loads on the bulkhead chord that could cause chord failure and adjacent skin failure, resulting in reduced control of the airplane.

#### FAA’s Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

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

The FAA reviewed Boeing Alert Requirements Bulletin 737-53A1384 RB, dated September 10, 2020. This service information specifies procedures for a detailed inspection for incorrectly installed fasteners at the STA 727 bulkhead outer chord common to the fuselage skin between stringers S-22 and S-27 on the left and right sides, and applicable on-condition actions. In addition to repair and replacement, on-condition actions include repetitive inspections for cracking of the fuselage skin between stringers S-22 and S-27; an open hole high frequency eddy current (HFEC) inspection for cracking at all incorrectly installed fastener locations; and external and internal general visual inspections for repairs of the STA 727 bulkhead. On-condition actions also include repetitive HFEC and low frequency eddy current (LFEC) inspections in unrepaired areas for cracking of the inner skin from the wheel well; of the outer, upper, and lower chords from the wheel well; and of the fail-safe chord from the cargo compartment.

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 **ADDRESSES**.

#### Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this service information at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0788.

#### Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 78 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections .....	13 work-hours × \$85 per hour = \$1,105 .....	\$0	\$1,105	\$86,190

The FAA estimates the following costs to do any necessary actions that would be required based on the results

of the proposed inspection. The agency has no way of determining the number

of aircraft that might need these on-condition actions.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Open hole HFEC inspections ..	21 work-hours × \$85 per hour = \$85 per inspection cycle .....	\$0	\$1,785 per inspection cycle.
HFEC and LFEC inspections ..	36 work-hours × \$85 per hour = \$3,060 per inspection cycle	0	3,060 per inspection cycle.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

**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 the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency’s authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect 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.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a “significant regulatory action” under Executive Order 12866,

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

**The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

■ 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

**The Boeing Company:** Docket No. FAA–2021–0788; Project Identifier AD–2021–489–T.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by November 29, 2021.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to The Boeing Company Model 737–700, –800, and –900ER series airplanes, certificated in any category, and identified in Boeing Alert Requirements Bulletin 737–53A1384 RB, dated September 10, 2020.

**(d) Subject**

Air Transport Association (ATA) of America Code 53, Fuselage.

**(e) Unsafe Condition**

This AD was prompted by reports of incorrectly installed fuselage skin fasteners. The FAA is issuing this AD to address incorrectly installed fasteners. This condition, if not addressed, could result in incorrectly installed fasteners going undetected. Continuous operation of the airplane with undetected incorrectly installed fasteners may generate fatigue cracking that could adversely affect the structural integrity of the airplane.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Required Actions**

Except as specified by paragraph (h) of this AD: At the applicable times specified in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 737–53A1384 RB, dated September 10, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–53A1384 RB, dated September 10, 2020.

**Note 1 to paragraph (g):** Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–53A1384, dated September 10, 2020, which is referred to in Boeing Alert Requirements Bulletin 737–53A1384 RB, dated September 10, 2020.

**(h) Exceptions to Service Information Specifications**

(1) Where the “Effectivity” paragraph and the Condition and Compliance Time columns of the tables in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 737–53A1384 RB, dated September 10, 2020, use the phrase “the Original Issue date of Requirements Bulletin 737–53A1384 RB,” this AD requires using “the effective date of this AD.”

(2) Where Boeing Alert Requirements Bulletin 737–53A1384 RB, dated September 10, 2020, specifies contacting Boeing for

repair instructions or for alternative inspections: This AD requires doing the repair, or doing the alternative inspections and applicable on-condition actions, using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

**(i) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: [9-ANM-Seattle-ACO-AMOC-Requests@faa.gov](mailto:9-ANM-Seattle-ACO-AMOC-Requests@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

**(j) Related Information**

(1) For more information about this AD, contact Lu Lu, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3525; email: [lu.lu@faa.gov](mailto:lu.lu@faa.gov).

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

Issued on September 9, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021-22203 Filed 10-12-21; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2021-0804; Airspace Docket No. 20-AWP-56]

RIN 2120-AA66

**Proposed Modification of Class D and Class E Airspace; China Lake NAWS (Armitage Field) Airport, CA**

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

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

**SUMMARY:** This action proposes to modify the Class D airspace at China Lake NAWS (Armitage Field) Airport, China Lake, CA. This action also proposes to modify the Class E airspace extending upward from 700 feet above the surface. Additionally, this action proposes to remove the China Lake (Navy) TACAN from the Class E5 text header and airspace description. Lastly, this action proposes numerous administrative updates to the Class D and Class E5 text headers and the Class D airspace description. This action would ensure the safety and management of instrument flight rules (IFR) operations at the airport.

**DATES:** Comments must be received on or before November 29, 2021.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone: 1-800-647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2021-0804; Airspace Docket No. 20-AWP-56, at the beginning of your comments. You may also submit comments through the internet at <https://www.regulations.gov>.

FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:** Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231-3695.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would modify the Class D and Class E airspace at China Lake NAWS (Armitage Field) Airport, China Lake, CA, to support IFR operations at the airport.

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2021-0804; Airspace Docket No. 20-AWP-56". The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.