

Small agricultural service firms which would include processors who are covered under the Order, have been defined by the Small Business Administration (13 CFR 121.607) as those having annual receipts of no more than \$7 million. Almost 50 percent of the industry is exempt from paying assessments. Based on information from the Board there are currently a total of 40 processors in the industry. Of those, 21 processors pay mandatory assessments into the program. Of the 21 processors, 11 would be classified as small processors representing 7 percent of the popcorn assessed. The top five popcorn producing states are Nebraska, Indiana, Illinois, Ohio and Iowa. In 2009, Indiana, Kansas, Michigan and Ohio had decreases in acreage planted and harvested while Kentucky, Illinois, Iowa, Missouri and Nebraska had increases in acreage planted and harvested over the acreage planted and harvested in 2008. Overall 2009 acreage planted increased by 1 percent and acreage harvested increased by 4 percent over 2008 numbers.

Most of the processors would be classified as small businesses under the criteria established by the Small Business Administration. Processors who process and distribute 4 million pounds or less of popcorn annually are exempt from this program. Persons that operate under an approved National Organics program (NOP) (7 CFR part 206) system plan; process only products that are eligible to be labeled as 100 percent organic under the NOP and are not split operations shall be exempt from the payment of assessments.

The Board currently consists of 9 members which represent small, medium and large processors in the industry.

The Board voted during its October 5, 2009, conference call to request that the Secretary reduce the number of members from nine to five and to appoint persons to reflect the consolidation of the popcorn industry and therefore, fewer popcorn processors in the industry who will equitably make up the board between large, medium and small processors. The Board would continue to strive for diversity within the industry.

Nominations and appointments to the Board are conducted pursuant to sections 1215.22, 1215.23, and 1215.25 of the Order. Appointments to the Board are made by the Secretary from a slate of nominated candidates. Pursuant to section 1215.22(3)(i) of the Order, nominations for each position shall be made by processors, and be submitted to the Secretary for appointment to the Board. The Order requires that two

nominees be submitted for each vacant position.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

### Background

The Order became effective on July 22, 1997, and it is authorized under the Act. The Board is composed of nine processors. Nominations take into consideration the geographical distribution of popcorn production. The States that currently have representation on the Board are Nebraska, Indiana, Iowa, Missouri and Colorado. Based on information from the Board, in 2008, the top five popcorn producing states were Nebraska, Indiana, Illinois, Ohio and Iowa.

Under the Order, the Board administers a nationally coordinated program of promotion, research, consumer information and industry information designed to strengthen the position of popcorn in the marketplace, and to maintain and expand domestic and foreign markets and uses for popcorn. This program is financed by assessments on processors who process and distribute 4 million pounds or more of popcorn annually. The current rate of assessment is 6 cents per hundredweight of popcorn. The Order specifies that processors are responsible for submitting the assessment to the Board and maintaining records necessary to verify their reporting(s). Processors who process and distributes less than 4 million pounds of popcorn annually are exempt from this assessment.

On October 5, 2009, the Board voted to decrease its membership from nine to five.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate so that the proposed amendments, if adopted, may be implemented before the 2010 term of office expires on December 31, 2010. All written comments received in response to this rule by the date specified would be considered prior to finalizing this action.

Pursuant to 5 U.S.C. 553, it is also found that good cause exists for not postponing the effective date of this action until thirty days after publication in the **Federal Register** because (1) a final rule needs to be in effect before the Board makes a call for nominations for the term of office beginning January 1, 2011.

### List of Subjects in 7 CFR Part 1215

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Popcorn Promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1215 is proposed to be amended as follows:

### PART 1215—POPCORN PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER

1. The authority citation for 7 CFR part 1215 continues to read as follows:

**Authority:** 7 U.S.C. 7481–7491; 7 U.S.C. 7401.

2. § 1215.21, paragraph (a) is revised to read as follows:

#### § 1215.21 Establishment and membership.

(a) There is hereby established a Popcorn Board of five members. The number of members on the board may be changed by rulemaking: *Provided*, that the Board consist of not fewer than four members and not more than nine members. The Board shall be composed of popcorn processors appointed by the Secretary under section 1215.24.

\* \* \* \* \*

Dated: May 28, 2010.

**Rayne Pegg,**

*Administrator.*

[FR Doc. 2010–13407 Filed 6–3–10; 8:45 am]

**BILLING CODE: P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2010–0548; Directorate Identifier 2010–NM–041–AD]

**RIN 2120-AA64**

#### Airworthiness Directives; Bombardier, Inc. Model BD–700–1A10 and BD–700–1A11 Airplanes

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated 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:

Following five reported cases of balance washer screw failure on similar RATs [ram air turbines]/air driven generators installed on other aircraft types, an investigation \* \* \* determined that a specific batch of the screws had a metallographic non-conformity that increased their susceptibility to brittle fracture. \* \* \*

Failure of a balance washer screw can result in loss of the related balance washer, with consequent turbine imbalance. Such imbalance could potentially result in RAT structural failure (including blade failure), loss of RAT electrical power and structural damage to the aircraft and, if deployment was activated by a dual engine shutdown, could also result in loss of hydraulic power for the flight controls [and consequent reduced ability of the flightcrew to maintain the safe flight and landing of the airplane].

\* \* \* \* \*

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by July 19, 2010.

**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 W12-40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; e-mail [thd.crj@aero.bombardier.com](mailto:thd.crj@aero.bombardier.com); Internet <http://www.bombardier.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

#### 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 in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Christopher Alfano, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7340; fax (516) 794-5531.

#### 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-2010-0548; Directorate Identifier 2010-NM-041-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 have lengthened the 30-day comment period for proposed ADs that address MCAI originated by aviation authorities of other countries to provide adequate time for interested parties to submit comments. The comment period for these proposed ADs is now typically 45 days, which is consistent with the comment period for domestic transport ADs.

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

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2010-01, dated January 18, 2010 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Following five reported cases of balance washer screw failure on similar RATs [ram air turbine]/air driven generators installed on other aircraft types, an investigation by Hamilton Sundstrand determined that a specific batch of the screws had a metallographic non-conformity that increased their susceptibility to brittle fracture. Subsequently, it was established that 187 RATs [Part Number (P/N) GL456-1101-7 and Hamilton Sundstrand P/Ns in the 762826 series] had non-conforming screws installed either during production or possibly

during maintenance or repair at Hamilton Sundstrand repair stations.

Failure of a balance washer screw can result in loss of the related balance washer, with consequent turbine imbalance. Such imbalance could potentially result in RAT structural failure (including blade failure), loss of RAT electrical power and structural damage to the aircraft and, if deployment was activated by a dual engine shutdown, could also result in loss of hydraulic power for the flight controls [and consequent reduced ability of the flightcrew to maintain the safe flight and landing of the airplane].

This [Canadian] directive mandates checking of the RAT and replacing the balance washer screws, if required. It also prohibits future installation of unmodified RATs.

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

#### Relevant Service Information

Bombardier has issued Service Bulletins 700-24-075 and 700-1A11-24-014, both Revision 01, both dated July 15, 2009. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the proposed AD.

#### Costs of Compliance

Based on the service information, we estimate that this proposed AD would

affect about 115 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$9,775, or \$85 per product.

#### 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.

We are 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

We 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. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

#### 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 AD:

**Bombardier, Inc.:** Docket No. FAA-2010-0548; Directorate Identifier 2010-NM-041-AD.

#### Comments Due Date

- (a) We must receive comments by July 19, 2010.

#### Affected ADs

- (b) None.

#### Applicability

- (c) This AD applies to Bombardier, Inc. Model BD-700-1A10 and BD-700-1A11 airplanes, serial numbers 9002 and subsequent; certificated in any category.

#### Subject

- (d) Air Transport Association (ATA) of America Code 24: Electrical power.

#### Reason

- (e) The mandatory continuing airworthiness information (MCAI) states:

Following five reported cases of balance washer screw failure on similar RATs [ram air turbines]/air driven generators installed on other aircraft types, an investigation by Hamilton Sundstrand determined that a specific batch of the screws had a metallographic non-conformity that increased their susceptibility to brittle fracture. Subsequently, it was established that 187 RATs [Part Number (P/N) GL456-1101-7 and Hamilton Sundstrand P/Ns in the

762826 series] had non-conforming screws installed either during production or possibly during maintenance or repair at Hamilton Sundstrand repair stations.

Failure of a balance washer screw can result in loss of the related balance washer, with consequent turbine imbalance. Such imbalance could potentially result in RAT structural failure (including blade failure), loss of RAT electrical power and structural damage to the aircraft and, if deployment was activated by a dual engine shutdown, could also result in loss of hydraulic power for the flight controls [and consequent reduced ability of the flightcrew to maintain the safe flight and landing of the airplane].

This [Canadian] directive mandates checking of the RAT and replacing the balance washer screws, if required. It also prohibits future installation of unmodified RATs.

#### Compliance

- (f) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

#### Inspection

- (g) For airplanes having serial numbers 9002 through 9380 inclusive: At the earliest of the times identified in paragraphs (g)(1), (g)(2), (g)(3) and (g)(4) of this AD, inspect to determine the serial number of the installed ram air turbine (RAT), in accordance with the Accomplishment Instructions of the applicable service bulletin listed in Table 1 of this AD. This inspection may be conducted visually, which requires lowering the RAT. A review of airplane maintenance records is acceptable in lieu of this inspection if the serial number of the RAT can be conclusively determined from that review.

- (1) Within 500 flight hours or 24 months after the effective date of this AD, whichever occurs first; or

- (2) Prior to the next in-flight or on-ground functional test of the RAT, whichever occurs first after the effective date of this AD; or

- (3) Prior to the next in-flight or on-ground operational test of the RAT, whichever occurs first after the effective date of this AD; or

- (4) Prior to the next scheduled RAT in-flight deployment.

- (h) If the RAT serial number, as determined in paragraph (g) of this AD, is not listed in paragraph 1.A of the applicable service bulletin listed in Table 1 of this AD, no further action is required by this AD, except for paragraph (j) of this AD.

TABLE 1—SERVICE BULLETINS

Model—	Bombardier Service Bulletin—	Revision—	Dated—
BD-700-1A11 .....	700-1A11-24-014 .....	01	July 15, 2009.
BD-700-1A10 .....	700-24-075 .....	01	July 15, 2009.

(i) If the RAT serial number, determined in paragraph (g) of this AD, is listed in paragraph 1.A. of the applicable service

bulletin listed in Table 1 of this AD, before further flight, inspect to determine if the symbol "24-7" is marked on the RAT

identification plate, in accordance with the Accomplishment Instructions of the applicable service bulletin listed in Table 1

of this AD. A review of airplane maintenance records is acceptable in lieu of this inspection if the symbol "24-7" mark can be conclusively determined from that review.

(1) If the symbol "24-7" is marked on the RAT identification plate, the balance washer screws have already been replaced and no further action is required by this AD, except for paragraph (j) of this AD.

(2) If the symbol "24-7" is not marked on the RAT identification plate, before further flight, replace all balance washer screws with new balance washer screws, part number MS24667-14, and mark the RAT identification plate with the symbol "24-7," in accordance with the Accomplishment Instructions of the applicable service bulletin listed in Table 1 of this AD.

(j) For all airplanes: As of the effective date of this AD, no person may install on any airplane a replacement or spare RAT (P/N GL456-1101-7; Hamilton Sundstrand P/Ns in the 762826 series) having one of the S/Ns listed in paragraph 1.A. of the applicable service bulletin listed in Table 1 of this AD unless the balance washer screws have already been replaced and the symbol "24-7" is marked on the RAT identification plate.

#### FAA AD Differences

**Note 1:** This AD differs from the MCAI and/or service information as follows:

Although Canadian Airworthiness Directive CF-2010-01, dated January 18, 2010, recommends accomplishing the visual inspection prior to the next scheduled in-flight operational test of the RAT, we have determined that interval would not address the identified unsafe condition soon enough to ensure an adequate level of safety for the affected fleet in light of the degree of urgency associated with the subject unsafe condition. This difference has been coordinated with Transport Canada Civil Aviation (TCCA).

#### Other FAA AD Provisions

(k) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE-170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone 516-228-7300; fax 516-794-5531. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the

provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

#### Related Information

(l) Refer to MCAI Transport Canada Civil Aviation (TCCA) Airworthiness Directive CF-2010-01, dated January 18, 2010; and Bombardier Service Bulletins 700-24-075, Revision 01, dated July 15, 2009, and 700-1A11-24-014, Revision 01, dated July 15, 2009; for related information.

Issued in Renton, Washington, on May 28, 2010.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 2010-13419 Filed 6-3-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA-2010-0260; Directorate Identifier 2010-CE-015-AD]**

**RIN 2120-AA64**

**Airworthiness Directives; GROB-WERKE (Type Certificate Previously Held by BURKHART GROB Luft- und Raumfahrt) Models G115C, G115D and G115D2 Airplanes**

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

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); reopening of the comment period.

**SUMMARY:** We are revising an earlier NPRM for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated 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:

The manufacturer has received a report of a failed canopy jettison test, during a regular maintenance check. The investigation revealed that a cable shroud of the jettison system protruded the canopy structure, which probably caused the malfunction. Inability to jettison the canopy in flight would prevent evacuation of the aeroplane in case of need.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by July 19, 2010.

**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.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility 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 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:

Gregory Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; fax: (816) 329-4090.

#### 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-2010-0260; Directorate Identifier 2010-CE-015-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 because 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 we receive about this proposed AD.

#### Discussion

We proposed to amend 14 CFR part 39 with an earlier NPRM for the